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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 122]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.348 *Orange Regulation 122*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 16, 1947, and ending at 12:01 a. m., e. s. t., June 23, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 11th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5665; Filed, June 13, 1947; 8:48 a. m.]

[Lemon Reg. 225, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.332 *Lemon Regulation 225, as amended*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons

(Continued on p. 3885)

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FEDERAL REGISTER

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which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* Lemon Regulation 225 (12 F. R. 3731) is hereby amended as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 8, 1947, and ending at 12:01 a. m., P. s. t., June 15, 1947, is hereby fixed at 700 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 225 (12 F. R. 3731) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5693; Filed, June 13, 1947; 9:28 a. m.]

[Lemon Reg. 226]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.333 *Lemon Regulation 226*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 15, 1947, and ending at 12:01 a. m., P. s. t., June 22, 1947, is hereby fixed at 700 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 225 (12 F. R. 3731) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5962; Filed, June 13, 1947; 9:28 a. m.]

[Orange Reg. 182]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.328 *Orange Regulation 182*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 15, 1947, and ending at 12:01 a. m., P. s. t., June 22, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1900 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, no movement; and (*c*) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order (48

Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. 601 et seq.)

Done at Washington, D. C., this 12th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. June 15, 1947, to 12:01 a. m. June 22, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0674
A. F. G. Fullerton	.8452
A. F. G. Orange	.6394
A. F. G. Redlands	.2379
A. F. G. Riverside	.1262
A. F. G. San Juan Capistrano	.8399
A. F. G. Santa Paula	.3934
Corona Plantation Co	.2439
Hazeltine Packing Co	.3740
Signal Fruit Association	.0814
Azusa Citrus Association	.4721
Azusa Orange Co., Inc	.1413
Damerel-Allison Co	.8984
Glendora Mutual Orange Association	.3881
Irwindale Citrus Association	.3807
Puente Mutual Citrus Association	.1941
Valencia Heights Orchards Association	.4279
Glendora Citrus Association	.3545
Glendora Heights Orange and Lime Growers Association	.0769
Gold Buckle Association	.5768
La Verne Orange Association	.6571
Anaheim Citrus Fruit Association	1.2812
Anaheim Valencia Orange Association	1.2707
Eadington Fruit Co	2.0137
Fullerton Mutual Orange Association	1.4876
La Habra Citrus Association	1.1739
Orange County Valencia Association	.6274
Orangethorpe Citrus Association	.9652
Placentia Coop. Orange Association	.7290
Yorba Linda Citrus Association, The	.5818
Alta Loma Heights Citrus Association	.0958
Citrus Fruit Growers	.1695
Cucamonga Citrus Association	.1700
Etiwanda Citrus Fruit Association	.0428
Mountain View Fruit Association	.0126
Old Baldy Citrus Association	.1251
Rialto Heights Orange Growers	.0789
Upland Citrus Association	.3980
Upland Heights Orange Association	.1542
Consolidated Orange Growers	1.9094
Frances Citrus Association	1.0834
Garden Grove Citrus Association	1.4223
Goldenwest Citrus Association, The	1.3909
Irvine Valencia Growers	2.3697
Olive Heights Citrus Association	1.6424
Santa Ana-Tustin Mutual Citrus Association	.9816
Santiago Orange Growers Association	3.6427
Tustin Hills Citrus Association	1.8687
Villa Park Orchs. Association, The	1.8005
Bradford Brothers, Inc	.6298
Placentia Mutual Orange Association	1.7751
Placentia Orange Growers Association	2.2627
Call Ranch	.0681
Corona Citrus Association	.4660
Jameson Company	.0369
Orange Heights Orange Association	0.3737
Break & Son, Allen	.0574
Bryn Mawr Fruit Growers Association	.2687
Crafton Orange Growers Association	.3879
E. Highlands Citrus Association	.0873
Fontana Citrus Association	.0829
Highland Fruit Growers Association	.0515
Krinard Packing Co	.2659
Mission Citrus Association	.1455
Redlands Coop. Fruit Association	.4130
Redlands Heights Groves	.2554
Redlands Orange Growers Association	.2653
Redlands Orangedale Association	.2878
Redlands Select Groves	.1638
Rialto Citrus Association	.1529
Rialto Orange Co	.1524
Southern Citrus Association	.2049
United Citrus Growers	.1477
Zilen Citrus Co	.1033
Arlington Heights Fruit Co	.1029
Brown Estate, L. V. W	.1339
Gavilan Citrus Association	.1567
Hemet Mutual Groves	.1139
Highgrove Fruit Association	.0786
McDermont Fruit Co	.1991
Mentone Heights Association	.0681
Monte Vista Citrus Association	.2261
National Orange Co	.0414
Riverside Heights Orange Growers Association	.0838
Sierra Vista Packing Association	.0594
Victoria Avenue Citrus Association	.1789
Claremont Citrus Association	.1667
College Heights Orange and Lemon Association	.2241
El Camino Citrus Association	.0833
Indian Hill Citrus Association	.2081
Pomona Fruit Growers Exchange	.3950
Walnut Fruit Growers Exchange	.4377
West Ontario Citrus Association	.4074
El Cajon Valley Citrus Association	.3523
Escondido Orange Association	2.4499
San Dimas Orange Growers Association	.5077
Covina Citrus Association	1.0182
Covina Orange Growers Association	.4027
Duarte-Monrovia Fruit Exchange	.2534
Santa Barbara Orange Association	.0517
Ball & Tweedy Association	.6606
Canoga Citrus Association	.8773
N. Whittier Heights Citrus Association	.9508
San Fernando Fruit Growers Association	.4413
San Fernando Heights Orange Association	.9475
Sierra Madre-Lamanda Citrus Association	.4040
Camarillo Citrus Association	1.5033
Fillmore Citrus Association	3.5794
Mupu Citrus Association	2.6678
Ojai Orange Association	.9853
Piru Citrus Association	2.0153
Santa Paula Orange Association	1.0914
Tapo Citrus Association	1.1125
Limoneira Co	.3991
E. Whittier Citrus Association	.4055
El Ranchito Citrus Association	1.3832
Murphy Ranch Co	.4116
Rivera Citrus Association	.5485
Whittier Citrus Association	.6942
Whittier Select Citrus Association	.4673
Anaheim Coop. Orange Association	1.1557
Bryn Mawr Mutual Orange Association	.0895
Chula Vista Mutual Lemon Association	.0922
Escondido Coop. Citrus Association	.3349
Euclid Avenue Orange Association	0.4237
Foothill Citrus Union, Inc	.0334
Fullerton Coop. Orange Association	.3085
Garden Grove Orange Coop. Inc	.7264
Glendora Coop. Citrus Association	.0543
Golden Orange Groves, Inc	.2781
Highland Mutual Groves	.0669
Index Mutual Association	.2030
La Verne Coop. Citrus Association	1.1889
Olive Hillside Groves	.7549
Orange Coop. Citrus Association	1.0218
Redlands Foothill Groves	.4480
Redlands Mutual Orange Association	.1627
Riverside Citrus Association	.0680
Ventura County Orange and Lemon Association	.9409
Whittier Mutual Orange and Lemon Association	.1755
Babijuice Corp. of Calif	.4714
Banks Fruit Co	.3016
Banks, L. M	.5454
Borden Fruit Co	.6378
California Fruit Distributors	.5246
Cherokee Citrus Co., Inc	.1004
Chess Company, Meyer W	.2707
El Modena Citrus, Inc	.4548
Escondido Avocado Growers	.0554
Evans Brothers Packing Co	.6860
Gold Banner Association	.2827
Granada Hills Packing Co	.0631
Granada Packing House	2.7080
Hill, Fred A	.0769
Inland Fruit Dealers	.0594
Mills, Edward	.1077
Orange Belt Fruit Distributors	1.9670
Panno Fruit Co., Carlo	.1116
Paramount Citrus Association	.4125
Placentia Orchards Co	.4031
Placentia Pioneer Valley Growers Association	.6522
Riverside Growers, Inc	.0966
San Antonio Orchards Co	.4802
Santa Fe Groves Co	.0510
Snyder & Sons Co., W. A	1.0149
Stephens, T. F	.0878
Sunny Hills Ranch, Inc	.1189
Verity & Sons Co., R. H	.0362
Wall, E. T	.1232
Webb Packing Co	.2560
Western Fruit Growers, Inc., Ana	.0493
Western Fruit Growers, Inc., Reds	.6617
Yorba Orange Growers Association	.6312

[F. R. Doc. 47-5691; Filed, June 13, 1947; 9:28 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF CERTAIN SECURITIES OF CO-OPERATIVE APARTMENT HOUSES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 15 (a) and 23 (a) thereof, and deeming such action necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors, hereby adopts § 240.15a-2 (Rule X-15A-2). The rule is in the nature of an exemption, and it appears im-

probable that its adoption will be objectionable to any person. The Commission therefore finds that the preliminary notice and public procedure provided for in section 4 (a) and (b) of the Administrative Procedure Act are unnecessary and declares the rule effective immediately pursuant to section 4 (c) of that act, subject however to reconsideration at the end of 30 days in the event any significant comments or criticisms have then been received with reference to the rule. Such comments or criticisms may be submitted in writing to the Secretary of the Commission.

The text of the rule follows:

§ 240.15a–2 *Exemption of certain securities of cooperative apartment houses from section 15 (a).* Shares of a corporation which represent ownership, or entitle the holders thereof to possession and occupancy, of specific apartment units in property owned by such corporations and organized and operated on a cooperative basis are hereby exempted from the operation of section 15(a) of the Securities Exchange Act of 1934, when such shares are sold by or through a real estate broker licensed under the laws of the political subdivision in which the property is located. [Rule X-15A–2]

(Secs. 3 (a) (12), 15 (a), 48 Stat. 882, 895, sec. 23 (a), 49 Stat. 1379; 15 U. S. C. 78c, 78o, 78w)

Effective: June 10, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 9, 1947.

[F. R. Doc. 47–5642; Filed, June 13, 1947; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC 47]

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINER

CANNED TOMATOES

In the matter of fixing and establishing a definition and standard of identity for canned tomatoes:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice issued on February 15, 1947 (12 F. R. 1090), no exceptions having been filed to the proposed order issued by the Federal Security Administrator on April 30, 1947 (12 F. R. 3021), and no issue of fact, law, or discretion being presented on the record, the following order is hereby promulgated:

Findings of fact. 1. By order dated June 18, 1940, and published in the FEDERAL REGISTER on June 19, 1940 (5 F. R. 2282) the definition and standard of identity for canned tomatoes was amended to provide for the use of, as an additional optional ingredient in canned tomatoes, purified calcium chloride, in a quantity reasonably necessary to firm the tomatoes, but in no case more than 0.07 percent (calculated as anhydrous calcium chloride) of the weight of the finished canned tomatoes.

The amended definition and standard of identity provided that when the optional ingredient, calcium chloride, was present the label should bear the statement "Trace of Calcium Chloride Added" or "With Added Trace of Calcium Chloride."

2. On the basis of the evidence received at a public hearing held prior to the promulgation of the order dated June 18, 1940 (see finding one) it was determined that the addition of calcium salts in the canning of tomatoes resulted in protecting the tomatoes against softening. At the time of that order a finding was made that, on the basis of the reported experiments with calcium salts, only calcium chloride had been demonstrated to be satisfactory for the purpose of retaining the tomatoes in a firm state.

3. Since promulgation of the order dated June 18, 1940 (see finding one) further information has shown that in addition to calcium chloride, there are other calcium salts which are suitable optional ingredients for firming canned tomatoes. These additional calcium salts are calcium sulfate, calcium citrate, and monocalcium phosphate.

4. The firming effect of calcium chloride, calcium sulfate, calcium citrate, and monocalcium phosphate upon canned tomatoes is attributable in each instance to the calcium ion, and equivalent quantities of calcium ions produce substantially equivalent firming effect. The evidence of record at the hearing did not indicate that the present limit on the amount of calcium derived from the calcium salt (see finding one) should be changed.

5. It is advantageous and practicable to limit the amount of any calcium chloride, calcium sulfate, calcium citrate, or monocalcium phosphate added as an optional ingredient to canned tomatoes in terms of the calcium content of these salts. The limit of not more than 0.07 percent calcium chloride which is specified in the present definition and standard of identity for canned tomatoes (see finding one) corresponds in terms of calcium content to 0.026 percent.

6. Since the effect of the addition of the calcium salts designated in finding 3 is essentially dependent on the calcium ions furnished and the acidic radical is unimportant a reasonably informative label statement for canned tomatoes to which one or more such calcium salts have been added is "Trace of ---------- Added", or "With Added Trace of -----", the blank being filled in with the words "Calcium Salt" or "Calcium Salts", as the case may be, or with the name or names of the particular calcium salt or salts added.

Conclusion. On the basis of the foregoing findings of fact it is concluded that the following amendments to the regulations fixing and establishing a definition and standard of identity for canned tomatoes (21 CFR Cum. Supp. 53.40) will promote honesty and fair dealing in the interest of consumers and *It is ordered,* That § 53.40 *Canned tomatoes; identity; label statement of optional ingerdients* be amended as follows:

1. That subparagraph (4) of paragraph (a) be deleted and the following substituted therefor:

(4) Purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any two or more of these calcium salts, in a quantity reasonably necessary to firm the tomatoes, but in no case such that the amount of the calcium contained in such salts is more than 0.026 percent of the weight of the finished canned tomatoes.

2. That the third sentence in paragraph (b) be deleted and the following substituted therefor: "When one or more of the optional ingredients designated in paragraph (a) (4) of this section is present, the label shall bear the statement 'Trace of ------ Added' or 'With Added Trace of ------'," the blank being filled in with the words "Calcium Salt" or "Calcium Salts" as the case may be or with the name or names of the particular calcium salt or salts added.

The amendments hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

Dated: June 11, 1947.

[SEAL] MAURICE COLLINS, *Acting Administrator.*

[F. R. Doc. 47–5663; Filed, June 13, 1947; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg 7, Jan 27, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

BUYERS ELIGIBLE FOR PRIORITY

In § 803.7 Housing Expediter Priorities Regulation 7 subparagraph (2) of paragraph (l) is amended to read as follows:

(2) *Construction permits and automatic authorization for housing.* A person who will (i) use all the suitable and usable materials obtained under this section in the construction of housing accommodations as authorized by or pursuant to the Housing Permit Regulation, or (ii) sell such material in accordance with paragraph (p) of this section. This includes builders, contractors, and subcontractors.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE, *Authorizing Officer.*

F. R. Doc. 47–5731; Filed, June 13, 1947; 10:48 a. m.]

[Suspension Order S–45]

PART 807—SUSPENSION ORDERS

HARRY WILLIAMS

Harry Williams, 4763 Santa Cruz Street, San Diego, California, as owner, on or about May 10, 1946, began and thereafter carried on the construction of a three-story residence located at 4763 Santa Cruz Street, San Diego, California, at an estimated cost of $23,574, without first having secured authorization therefor from the Federal Housing Administration. The beginning and carrying on of said construction constituted a violation of Veterans' Housing Program Order 1, and has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.45 *Suspension Order No. S–45.* (a) Neither Harry Williams, his successors or assigns, nor any other person shall do any further construction on the building or the premises at 4763 Santa Cruz Street, San Diego, California, including putting up, completing or altering the structure, unless hereafter specifically authorized in writing by the Federal Housing Administration or the Office of the Housing Expediter, or until the authority for controls in the Housing Expediter expire.

(b) Harry Williams shall refer to this order in any application or appeal which he may file with the Federal Housing Administration or the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Harry Williams, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

F. R. Doc. 47–5725; Filed, June 13, 1947; 10:15 a. m.]

[Suspension Order S–52]

PART 807—SUSPENSION ORDERS

F. L. KERSEY

F. L. Kersey, on or about the 8th day of March, 1947, began construction of a one-story concrete block grocery store building, 50′ x 70′ in size, in the 11000 block on East Trent Avenue, Opportunity, Washington, at an estimated cost of $5,000, without authorization. The beginning and carrying on of construction, as aforesaid, was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.52 *Suspension Order No. S–52.* (a) Neither F. L. Kersey, his successors or assigns, nor any other person shall do any further construction on the one-story concrete block grocery store building, 50′ x 70′ in size, in the 11000 block on East Trent Avenue, Opportunity, Washington, including the putting up, completing or altering of the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) F. L. Kersey shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve F. L. Kersey, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5726; Filed, June 13, 1947; 10:15 a. m.]

[Suspension Order S–54]

PART 807—SUSPENSION ORDERS

HARTLINE COLD STORAGE CO.

Clive E. Egbert, D. F. Jolley, and A. J. Frederick, d/b/a Hartline Cold Storage Company, on or about the 1st day of February, 1947, began construction of a one-story addition, 22′ x 18′ in size, to the rear of an existing grocery and meat market building on Willard Street off Main in Hartline, Washington, at an estimated cost of $5,000, without authorization. The beginning and carrying on of construction, as aforesaid, was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.54 *Suspension order No. S–54.* (a) Neither Clive E. Egbert, D. F. Jolley, and A .J. Frederick, d/b/a Hartline Cold Storage Company, their agents, successors or assigns, nor any other person shall do any further construction upon the one-story frame addition, 22′ x 18′ in size, to the rear of an existing grocery and meat market building on Willard Street off Main in Hartline, Washington, including the putting up, completing or altering of the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Clive E. Egbert, D. F. Jolley, and A. J. Frederick, d/b/a Hartline Cold Storage Company, shall refer to this order in any application or appeal which they may file with the Office of the House Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Clive E. Egbert, D. F. Jolley, and A. J. Frederick, d/b/a Hartline Cold Storage Company, their agents, successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5727; Filed, June 13, 1947; 10:15 a. m.]

[Suspension Order S–55]

PART 807—SUSPENSION ORDERS

SAM J. BRADFORD AND ALBERT J. THOMASON

Sam J. Bradford, Box 95, Hailey, Idaho, as owner, and Albert J. Thomason, of Hailey, Idaho, a partner of Theodore C. Divine, as contractor, on or about the 2d day of September, 1946, began construction of a concrete and concrete block automobile repair garage and automobile salesmoon, 78½′ x 51′ in size, located at the north city limits of Hailey, Idaho, on the west side of Highway 93, at an estimated cost of $10,000, without authorization. The beginning and carrying on of construction, as aforesaid, was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.55 *Suspension Order No. S–55.* (a) Neither Sam J. Bradford, his agents, successors or assigns, nor Albert J. Thomason, nor the partnership of Albert J. Thomason and Theodore C. Divine, their agents, successors, or assigns, nor any other person shall do any further construction upon the concrete and concrete block automobile repair garage and automobile salesroom, 78½′ x 51′ in size, located at the north city limits of Hailey, Idaho, on the west side of Highway 93, including the putting up, completing or altering of the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Sam J. Bradford and Albert J. Thomason shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Sam J. Bradford and Albert J. Thomason, their agents, successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5728; Filed, June 13, 1947; 10:16 a. m.]

[Suspension Order S–57]

PART 807—SUSPENSION ORDERS

ROBERT CALLAHAN

Robert Callahan, 522 East Main Street, Grandview, Washington, on or about the 15th day of January, 1947, began construction of a six-unit auto court, approximately 16′ x 100′ in size, located at the east end of Main Street in Grandview, Washington, at an estimated cost of $6,000, without authorization. The beginning and carrying on of construction, as aforesaid, was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.57 *Suspension Order No. S–57.* (a) Neither Robert Callahan, his successors or assigns, nor any other person shall do any further construction upon the six-unit auto court, approximately 16′ x 100′ in size, located at the east end of Main Street in Grandview, Washington, including the putting up, completing or altering of the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Robert Callahan shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Robert Callahan, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5729; Filed, June 13, 1947; 10:16 a. m.]

[Veterans' Housing Program Order 1, Direction 6]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

RECONSTRUCTION IN RUTLAND COUNTY, VERMONT

The following direction is issued pursuant to Veterans' Emergency Housing Program Order 1:

Until further notice, it is not necessary to get authorization under Veterans' Housing Program Order 1 for restoration jobs on buildings or other structures covered by VHP–1 in the Rutland County, Vermont, area, if the restoration is made necessary by damage caused by the flood which occurred on June 2 and 3, 1947. This direction is limited to the restoration of structures to substantially the same size and condition as on June 1, 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5724; Filed, June 13, 1947; 10:15 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter T—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds

[Order No. 2332]

PART 241—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

MISCELLANEOUS AMENDMENTS

Order No. 420 (not codified) and Order No. 498, 25 CFR, 1939 Supp., 241.12a, are repealed.

Sections 241.1, 241.2, and 241.34 are amended, a subheading is inserted immediately following § 241.48, and §§ 241.49, 241.50, and 241.51 are added, to read as follows:

§ 241.1 *Application for patent in fee.* Any Indian 21 years of age or over may apply for a patent in fee for any land held by him under a trust patent. Application should be made on Form 5–105 or such other form as the Commissioner of Indian Affairs may prescribe. The application must be filed with the Superintendent of the Indian agency having jurisdiction over the land which the applicant seeks to have patented in fee. The application must contain full information regarding the competency of the applicant and his ability to manage his own affairs. (R. S. 161, 34 Stat. 182, 34 Stat. 1034, Pub. Law 687, 79th Cong., 60 Stat. 939; 5 U. S. C. 22, 25 U. S. C. 349, 1a)

§ 241.2 *Issuance of patents in fee.* (a) Except as provided in paragraph (d) of this section, the issuance of a patent in fee to any Indian holding land held under a trust patent is discretionary, and no patent in fee will be issued to any applicant unless he submits satisfactory evidence that he is competent and capable of managing his own affairs.

(b) The location of the land covered by the application in relation to other trust or restricted Indian land may be taken into consideration in acting upon the aplication.

(c) Except as provided in paragraph (d) of this section, any application for a patent in fee may be denied when it appears that the applicant is not qualified to receive a patent in fee or when the land applied for lies within an area largely occupied and used by Indians whose lands are held in a trust or restricted status. Whenever an application for a patent in fee is denied, the applicant shall be notified in writing of that fact. The notice shall contain a statement of the reasons for denying the application and shall inform the applicant of his right of appeal.

(d) The issuance of patents in fee to adult mixed-blood Indians owning land within the White Earth Reservation in the State of Minnesota is mandatory upon application being made by such adult mixed-blood Indians. No evidence of the competency of the applicant to handle his own affairs shall be required. (R. S. 161, 34 Stat. 182, 34 Stat. 1034, Pub. Law 687, 79th Cong., 60 Stat. 939; 5 U. S. C. 22, 25 U. S. C. 349, 1a)

§ 241.34 *Removal of restrictions, application.* Application for the removal of restrictions and for approval of sales of lands must be made in triplicate on approved form Five Civilized Tribes, 5–484, and submitted to the Superintendent for the Five Civilized Tribes or any field clerk. These forms will be furnished free of charge by the Superintendent or field clerk. (R. S. 161, secs. 1, 9, 35, Stat. 312, 315, sec. 1, 45 Stat. 495, 46 Stat. 1471, 47 Stat. 474, secs. 1, 47 Stat. 777, Pub. Law 687, 79th Cong., 60 Stat. 935; 5 U. S. C. 22, 25 U. S. C. 409a, 1a)

SALES, REMOVALS OF RESTRICTIONS AGAINST ALIENATION, AND CONVEYANCES OF PURCHASED LANDS

Sec.
241.49 Purchased lands defined.
241.50 Sale of purchased lands.
241.51 Removal of restriction against alienation of purchased lands.

AUTHORITY: §§ 241.49 to 241.51, inclusive, issued under R. S. 161, 47 Stat. 474, Pub. Law 687, 79th Cong., 60 Stat. 939; 5 U. S. C. 22, 25 U. S. C. 1a.

§ 241.49 *Purchased lands defined.* Purchased lands are defined to include all lands held by individual Indians under deeds or other instruments of conveyance which recite that the lands shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior, irrespective of whether the lands were acquired by purchase with restricted moneys, in exchange for other restricted property, or as gifts.

§ 241.50 *Sale of purchased lands.* The Indian owner of purchased land may apply for the sale of all or any part of such land in conformity with the applicable provisions of §§ 241.17 to 241.32, inclusive. No sale or conveyance made pursuant thereto shall be valid unless approved by the Commissioner of Indian Affairs or his authorized representative.

§ 241.51 *Removal of restrictions against alienation of purchased lands.* Applications for the removal of restrictions from purchased lands shall be filed by the Indian owners with the Superintendent having jurisdiction over the lands. If the lands are not located within the territorial limits of an Indian reservation, the Indian owners may file the applications with the Superintendent most conveniently located with respect to the land. Each application shall set forth the experience which the applicant has had in the transaction of his business affairs and the reasons why a removal of restrictions is desired. An appraisement of the land shall be made. If it appears that the applicant is competent and capable of managing his affairs or that the removal of restrictions is otherwise to the best interests of the applicant, an order removing all restrictions against alienation of the land covered by the application will be issued

by the Commissioner of Indian Affairs or his authorized representative.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JUNE 5, 1947.

[F. R. Doc. 47-5633; Filed, June 13, 1947; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2330]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT, DELEGATIONS TO DIRECTOR

MAY 29, 1947.

The first sentence of paragraph (a) of § 4.276 contained in Order No. 2238 of August 16, 1946, is amended to read as follows:

§ 4.276 *Functions relating to grazing district administration.* (a) The Director of the Bureau of Land Management and the several regional administrators of that Bureau when authorized to do so by an order of the director published in the FEDERAL REGISTER, may act in relation to the following classes of matters without obtaining Secretarial approval, unless the Secretary in any particular matter determines otherwise, and subject in any event to an appeal to the Secretary according to the rules of practice.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201; Reorganization Plan No. 3 of 1946, 43 CFR 4.250)

WARNER W. GARDNER,
Acting Secretary of the Interior.

[F. R. Doc. 47-5636; Filed, June 13, 1947; 8:49 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 50.75 to 50.81, inclusive, see Part 4 under Subtitle A of this title, *supra*, concerning the authority of the Director and regional administrators of the Bureau of Land Management to act in relation to certain matters without obtaining Secretarial approval.

[Circular 1623 (a)]

PART 191—MINERAL PERMITS, LEASES AND LICENSES

SPECIAL STIPULATIONS FOR LANDS IN NATIONAL FORESTS AND RECLAMATION PROJECTS; INTERESTS HELD IN COMMON

Sections 191.6 and 191.8 are hereby amended to read as follows:

§ 191.6 *Special stipulations for lands in national forests and reclamation projects.* Applicants for permits, leases and licenses for lands in national forests will be required to consent to the inclusion therein of the stipulation on Form 4–216. Where the land has been withdrawn for reclamation purposes the applicant may be required to consent to the inclusion of a stipulation on Form 4–467 if the lands are potentially irrigable, or Form 4–467 (a) if the lands are within the flow limits of a reservoir site, or Form 4–467 (b) if the lands are within the drainage area of a constructed reservoir. Other conditions may be imposed, if deemed necessary, to protect the lands withdrawn for reclamation purposes.

§ 191.8 *Interests held in common.* An association shall not be deemed to exist between the parties to a contract for development of leased lands, whether or not coupled with an interest in the lease, nor between co-lessees, but each party to any such contract or each colessee will be charged with his proportionate interest in the lease. No holding of acreage in common by the same persons in excess of the maximum acreage specified in the law for any one lessee or permittee for the particular mineral deposit so held will be permitted.

(41 Stat. 450, 44 Stat. 302, 1058, Pub. Law 696, 79th Cong.; 60 Stat. 950, 30 U. S. C. 189, 275, 285)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JUNE 6, 1947.

Form 4–216 (revised June 1947)

STIPULATION

The lands embraced in this lease (permit), issued under the mineral leasing act of February 25, 1920 (41 Stat. 437), as amended, being within a national forest, the lessee (permittee) hereby agrees:

(1) Not to cut or destroy timber without first obtaining permission from the authorized representative of the Secretary of Agriculture, and to pay for all such timber cut or destroyed at rates prescribed by such representative; to avoid unnecessary damage to improvements, timber, or other cover; unless otherwise authorized by the representative of the Secretary of Agriculture, not to drill any well within 200 feet of any building standing on the leased land; and whenever required in writing by the authorized representative of the Secretary of Agriculture, to fence all sump holes and other excavations made by lessee (permittee).

(2) To do all in his power to prevent and suppress forest, brush or grass fires on the leased land and in its vicinity, and to require his employees, contractors, subcontractors, and employees of contractors or subcontractors to do likewise. Unless prevented by circumstances over which he has no control, the lessee (permittee) shall place his employees, contractors, subcontractors, and employees of contractors and subcontractors employed on the leased land at the disposal of any authorized officer of the Department of Agriculture for the purpose of fighting forest, brush, or grass fires, with the understanding that payment for such services shall be made at rates to be determined by the authorized representative of the Secretary of Agriculture, which rates shall not be less than the current rates of pay prevailing in the vicinity for services of a similar character: *Provided*, That if the lessee (permittee), his employees, contractors, subcontractors, or employees of contractors or subcontractors, caused or could have prevented the origin or spread of the said fire or fires, no payment shall be made for services so rendered.

During periods of serious fire danger to forest, brush, or grass, as may be specified by the authorized representative of the Secretary of Agriculture, the lessee (permittee) shall prohibit smoking and the building of camp and lunch fires by his employees, contractors, subcontractors, and employees of contractors or subcontractors within the leased area except at established camps, and shall enforce this prohibition by all means within his power: *Provided*, That the authorized representative of the Secretary of Agriculture may designate safe places where, after all inflammable material has been cleared away, camp fires may be built for the purpose of heating lunches and where, at the option of the lessee (permittee), smoking may be permitted.

The lessee (permittee) shall not burn rubbish, trash, or other inflammable material except with the consent of the authorized representative of the Secretary of Agriculture and shall not use explosives in such manner as to scatter inflammable materials on the surface of the land during the forest, brush, or grass fire season, except as authorized to do so or on areas approved by such representative.

The lessee (permittee) shall build or construct, such fire lines or do such clearing on the leased land as the authorized representative of the Secretary of Agriculture decides is necessary for forest, brush, and grass fire prevention and shall maintain such fire tools at his headquarters on the leased land as are deemed necessary by such representative.

(3) To pay the lessor or his tenant, as the case may be, for any and all damage to or destruction of property caused by lessee's (permittee's) operations hereunder; and to save and hold the lessor harmless from all damage or claims for damage to persons or property resulting from the lessee's (permittee's) operations under this lease (permit).

(4) To address all matters relating to this stipulation to the Forest Supervisor of the National Forest in which the leased lands are located, or to such other representative as the Secretary of Agriculture may, from time to time, designate in writing delivered to the lessee (permittee).

(5) If lessee (permittee) shall construct any camp on the land, such camp shall be located at a place approved by the forest supervisor, and such forest supervisor shall have authority to require that such camp be kept in a neat and sanitary condition.

Lessee (Permittee).

[F. R. Doc. 47-5630; Filed, June 13, 1947; 8:50 a. m.]

[Circular 1624 (a)]

PART 192—OIL AND GAS LEASES

MISCELLANEOUS AMENDMENTS

1. Sections 192.4 (c) and (e), 192.40, 192.83, 192.141 and 192.145 (Circular 1624) are amended to read as follows:

§ 192.4 *Acreage limitations on options.* * * *

(c) Within the meaning of this section, options may be taken only on lands embraced in leases or applications for leases and the acreage included in any such option taken upon an application for a lease shall be chargeable from and after the date of such option.

* * * * *

(e) No acreage shall be chargeable under options taken prior to June 1, 1946, on which geological or geophysical exploration has been actually made if

exercised prior to August 9, 1948, but no such option not so exercised will be recognized by the Department, thereafter, for any purpose.

§ 192.40 *Classes and term.* All lands subject to disposition under the act which are known or believed to contain oil or gas may be leased by the Secretary of the Interior. When within the known geologic structure of a producing oil or gas field, such land may be leased only by competitive bidding and in units of not exceeding 640 acres to the highest responsible qualified bidder at a royalty of not less than 12½ per cent. Leases for not to exceed 2,560 acres, in reasonably compact form, may be issued for all other land subject to the act to the first qualified applicant at a royalty of 12½ per cent. No single lease will be issued embracing lands which cannot be included within a six mile square area. Where an application covers tracts which cannot be so contained two or more leases, as may be necessary, will be issued. The right is reserved to suspend, or reject in whole or in part, applications involving scattered tracts considerably more than six miles apart. Hereafter, all leases, except those issued as renewals of 20 year leases, will be issued for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities.

§ 192.83 *Limitation of overriding royalties.* Any agreement to create overriding royalties or payments out of the production of any lease which, when added to overriding royalties or payments out of production previously created and to the royalty payable to the United States, aggregate in excess of 17½ per cent shall be deemed a violation of the terms of the lease unless such agreement expressly provides (a) that the obligation to pay such excess overriding royalties or payments out of production will be suspended and not be effective during any periods when the average production per well per day is 15 barrels or less, and (b) that such suspension will apply separately to any zone or portion of a lease segregated for computing Government royalty.

§ 192.141 *Requirements for filing assignments or transfers.* All instruments of transfer of a lease or of an interest therein, including assignments of record title, working or royalty interests, operating agreements and subleases, must be filed for approval within 90 days from the date of final execution and must contain evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease applicant by § 192.42 (b) and (c). If a bond is necessary, it must be furnished. Where an assignment does not create separate leases, the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. Assignments of record title interests must be filed in triplicate. A single executed copy of all other instruments of transfer is sufficient. If the instrument or an accompanying statement does not show the full and true amounts of all overriding royalties or payments out of production, any decision approving the transfer will require the transferee to furnish within 30 days from notice a complete showing of all outstanding overriding royalties and payments out of production affecting the transferred land, not theretofore shown, and upon his failure to do so the lease will be cancelled as provided in § 191.161 of this chapter.

The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

Unless the lease account is in good standing as to the area covered by the assignment when the assignment and bond are filed, or is placed in good standing before the assignment is reached for action the lease will be cancelled as provided in § 191.161 of this chapter.

§ 192.145 *Royalty interests in oil and gas leases and assignments thereof.* Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of the first sentence of section 27 of the act. Assignments of such interest must be filed for record purposes in the appropriate district land offices accompanied by a showing by the assignees as to their citizenship and holdings in other oil and gas leases in the state. All assignments of royalty interests must be filed for the record, but those of 1 percent or less will be approved only upon specific request and then only after discovery. Any assignment of 1 percent or less if filed for record will be deemed to be valid whether formally approved or not.

2. The last sentence of the first paragraph of § 192.42 is amended to read as follows: "Proof of the authority of the officer or agent who makes application on behalf of a corporation must be furnished."

3. Section 2 (r) Oil and Gas Lease Form 4–213 provided for in § 192.44, Title 43 of the Code of Federal Regulations is hereby amended to read as follows:

§ 192.44 *Form of lease.* * * *

(r) *Overriding royalties.* To limit the obligation to pay overriding royalties or payments out of production in excess of 5 percent to periods during which the average production per well per day is 15 barrels or less on an entire leasehold or any part of the area thereof or any zone segregated for the computation of royalties.

(41 Stat. 450, Pub. Law 696, 79th Cong., 60 Stat. 950; 30 U. S. C. 189)

June 6, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47–5631; Filed, June 13, 1947; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter III—Employment Security, Federal Security Agency

PART 350—RECONVERSION UNEMPLOYMENT BENEFITS FOR SEAMEN

Sec.
350.1 Definitions.
350.2 Starting date of benefits.
350.3 Allocation of Federal maritime service and wages.
350.4 Determination of Federal maritime service and wages.
350.5 Determination of benefits.
350.6 Appeals.
350.7 Agency records and reports.
350.8 Advances and reimbursements.
350.9 Overpayments; prosecutions and penalties.

AUTHORITY: §§ 350.1 to 350.9, inclusive, issued under Title XIII, Pub. Law 719, 79th Cong., 60 Stat. 983. Additional statutory provisions interpreted or applied are noted following sections affected.

§ 350.1 *Definitions.* As used in this part:

(a) "Act" means Title XIII, of the Social Security Act, as amended (Pub. Law 719, 79th Cong.).

(b) "Administrator," unless otherwise specified, means the Federal Security Administrator.

(c) "Agency" means any agency administering a State unemployment compensation law which has entered into an agreement with the Administrator under the act.

(d) "Benefits" means Reconversion Unemployment Benefits for Seamen payable under the act.

(e) "Benefit year" means the benefit year prescribed in the applicable State unemployment compensation law; except that if such State law does not prescribe any benefit year, then such term means any period of fifty-two consecutive weeks specified in an applicable agreement made under the act or prescribed by the Administrator.

(f) "Compensation" means amounts payable to individuals with respect to their unemployment (including any portion thereof payable with respect to dependents), but excluding any amounts payable with respect to unemployment due to disability. (Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); 60 Stat. 982)

§ 350.2 *Starting date of benefits.* Benefits are first payable for unemployment occurring after the date funds are made available for such payments. (Applies sec. 1305 (c), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); sec. 1305 (c), 60 Stat. 985.)

§ 350.3 *Allocation of Federal maritime service and wages.* (a) The Federal maritime services and wages of an individual claiming benefits shall be allocated to the State in which the individual, on or after the starting date of benefits, first files a claim for benefits to the extent that such services were performed or such wages paid during the base period prescribed in the unemployment compensation law of such State. To the extent required by such State's law, wages paid for services performed in a base period shall be simi-

larly allocated even though such wages were paid subsequent to said period.

(b) All benefits paid to an individual during the benefit year in which his first claim for benefits is filed or which is established by the filing of a claim for benefits shall be paid to him only pursuant to the law of such State.

(c) Upon the expiration of the benefit year in which an individual's first claim for benefits is filed or which is established by the filing of such claim, the Federal maritime services and wages of such individual shall be allocated to the extent provided in paragraph (a) of this section to the State in which he next files a claim for benefits.

(d) Federal maritime services or wages allocated to a State shall not thereafter be allocated to any other State. (Sec. 1303 (b), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); sec. 1303 (b), 60 Stat. 983)

§ 350.4 *Determination of Federal maritime service and wages.* (a) The agency shall accept as final and conclusive, except as otherwise provided in this part, the determinations made by the Administrator of the War Shipping Administration, and such agents as he may designate as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (i) of the Internal Revenue Code or transcripts or certifications of such returns furnished by the Federal Security Administrator, and certifications made pursuant to section 209 (o) of the Social Security Act, as amended, as to (1) whether an individual has performed services which are Federal maritime services and (2) the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid.

(b) If the individual's Federal maritime services were performed or his Federal maritime wages paid during the quarter in which the claim for benefits was filed or the completed calendar quarter immediately preceding the date of the filing of the claim, the agency may accept certification under oath by the individual of facts relating to his Federal maritime service performed and wages for such service which were paid in such quarters.

(c) Where the State law requires a proration of wages paid to a claimant in accordance with the period or periods in which the services for which such wages were paid were performed, or requires a number of weeks of employment as a condition to eligibility for benefits, the agency may accept a certification under oath by the individual as to the periods of such services, the amounts of remuneration for such services, and the periods for which such remuneration was paid, to the extent that this information is necessary for a determination of the claimant's entitlement to benefits.

(d) A determination made by the Administrator of the War Shipping Administration, or agents designated by him, as to matters specified in paragraph (a) of this section shall be subject to review only in accordance with paragraphs (b), (c), and (d) of § 350.6. (Interprets and applies secs. 1302 (c), 1302 (d), 1303 (e) (2), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); secs. 1302 (c), 1302 (d), 1303 (e) (2), 60 Stat. 983 et seq.)

§ 350.5 *Determination of benefits.* (a) The agency of the State to which an individual's maritime services and wages have been allocated, pursuant to § 350.3, shall determine the individual's entitlement to benefits and pay such benefits in the same amounts, on the same terms and subject to the same conditions as the compensation which would be payable to such individual under the State unemployment compensation law if the individual's Federal maritime service and Federal maritime wages had been included as employment and wages under such law.

(b) There shall be deducted from the benefit amount so computed and to which the individual is entitled for any week, 15 per centum of the amount of any payment which such individual is entitled to receive on account of past services performed as an officer or employee of the United States, under any law of the United States relating to the retirement of officers or employees of the United States, for the month in which such week begins, unless a deduction from such benefits on account of such annuity or retirement pay is otherwise provided for by the applicable State law. (Interprets and applies secs. 1303 (b), 1304 (a), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); secs. 1303 (b), 1304 (a), 60 Stat. 983 et seq.)

§ 350.6 *Appeals.* (a) Determinations of entitlement to benefits by the agency made pursuant to an agreement under the act, shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in such manner and to such extent.

(b) Pursuant to General Order No. 50 of the United States Maritime Commission (Rev. G. O. 50, WSA Function Series), the appeals authorities authorized by State unemployment compensation laws to hear and determine appeals from claims for benefits under such laws are hereby designated to hear, determine and make certification with respect to matters determinable by the Maritime Commission pursuant to section 209 (o) of the Social Security Act, as amended, which may be involved in or presented at hearings conducted in accordance with paragraph (a) of this section and pursuant to sections 1303 and 1304 of the Social Security Act, as amended. All issues involved in such a case may be disposed of at a single hearing or review, and by a single decision. In reaching and making such determination, the hearing official shall follow the provisions of section 209 (o) of the Social Security Act, as amended, and the regulations or orders issued pursuant thereto from time to time by the Maritime Commission.

(c) In the conduct of any appeal involving matters determinable by the Administrator of the War Shipping Administration pursuant to section 209 (o) of the Social Security Act, as amended, notice of the hearing shall be given to the General Agent of the War Shipping Administration who shall have filed the tax return or made the certification referred to in § 350.4 (a), and to the Maritime Commission.

(d) A determination of an individual's Federal maritime service or wages made in accordance with this section shall for the purposes of the act supersede all previous determinations and certifications of the Administrator of the War Shipping Administration or his designated agents and, except as subject to further review as provided by law, shall be final and binding on all parties to the hearing. (Interprets and applies sections 1302 (c), 1302 (d), 1304 (a), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); secs. 1302 (c), 1302 (d), 1304 (a), 60 Stat. 983 et seq.)

§ 350.7 *Agency records and reports.* (a) Each application for benefits shall bear a suitable designation or code to identify it as a claim for benefits pursuant to Title XIII, and such designation or code shall be used to identify all proceedings and actions in the claim.

(b) Each agency shall maintain records pertaining to all claims for benefits containing such information as the Administrator shall from time to time prescribe.

(c) Each agency shall make the same reports and furnish the same information to the Administrator with respect to claims for benefits as it makes and furnishes to the Social Security Administration of the Federal Security Agency with respect to claims for compensation filed under its law, together with such additional reports and information as the Administrator may from time to time require.

(d) The records of the agency pertaining to the payment of benefits shall be accessible for inspection, examination and audit by the representatives of the Bureaus of Employment Security and Accounts and Audits of the Social Security Administration of the Federal Security Agency, and by such other persons as the Administrator may designate. (Applies sec. 1304 (c), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); sec. 1304 (c), 60 Stat. 984)

§ 350.8 *Advances and reimbursements.* Each agency shall submit requests for advances and reimbursements for the payment of benefits pursuant to an agreement under Title XIII on such forms together with such supporting information as the Administrator may from time to time prescribe. (Applies secs. 1304 (c), 1305 (b), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); secs. 1304 (c), 1305 (b), 60 Stat. 984 et seq.)

§ 350.9 *Overpayments, prosecutions and penalties.* Each agency shall report any apparent violation of the act, subject to penalty under section 1306, to the appropriate Regional Representative of the Bureau of Employment Security of the Social Security Administration, Federal Security Agency. (Applies sec. 1306, Ti-

tle XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); sec. 1306, 60 Stat. 985 et seq.)

Date: June 11, 1947.

[SEAL] MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-5662; Filed, June 13, 1947; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8089]

PART 3—RADIO BROADCAST SERVICES

INTERFERENCE RATIOS

JUNE 10, 1947.

In the matter of amendments to Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

At a meeting of the Federal Communications Commission held at its offices at Washington, D. C. on the 9th day of June 1947;

The Commission having under consideration proposed amendments to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, which amendments relate to the conditions under which the assignment of two stations in the same ground-wave service area may be made when a frequency separation of less than 40 kilocycles is proposed; and

It appearing, that notice of proposed rule making pursuant to section 4 of the Administrative Procedure Act was issued by the Commission on December 20, 1946, and was duly published in the FEDERAL REGISTER; and

It further appearing, that written comments, briefs and recommendations regarding the proposed amendments were submitted to the Commission by interested parties who were afforded an opportunity to present testimony and oral argument at hearings held for those purposes by the Commission on March 7 and 10, 1947; and

It further appearing, that said comments, briefs, recommendations, testimony and oral argument have been considered carefully by the Commission and portions thereof have been adopted by the Commission; and

It further appearing, that, for the reasons set forth in the annexed report issued by the Commission on June 9, 1947, the public interest, convenience, and necessity will be served by the adoption of the proposed amendments;

It is ordered, That, effective July 17, 1947, the Standards of Good Engineering Practice Concerning Standard Broadcast Stations be, and they hereby are amended as follows:

Under the table headed "Interference Ratios" which follows Table IV in section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, insert:

From the above, it is apparent that in many cases stations operating on channels 10 and 20 kilocycles apart may be operated with antenna systems side by side or otherwise in proximity without any indications of interference if the interference is defined only in terms of permissible ratios hereinbefore listed in the table headed Interference Ratios. As a practical matter, serious interference problems may arise when two or more stations with the same general service area are operated on channels 10, 20 and 30 kilocycles apart.

Accordingly, no station will be licensed for operation with less than 40 kilocycles separation from another station, if the area enclosed by the 25 mv/m groundwave contours of the two stations overlap. Frequency separation of 20 kilocycles and 10 kilocycles are considered inappropriate for stations with the same general urban coverage and therefore no station will be licensed for operation with less than 30 kilocycles frequency separation if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave contour of the other.

(Secs. 303 (c), 48 Stat. 1082, 303 (r), 50 Stat. 191, 407 (b), 48 Stat. 1083; 47 U. S. C. 303 (c), 303 (r), 307 (b))

Report of the Commission. This report sets forth the Commission's decision with respect to proposed amendments to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations set forth in Public Notice No. 4485, dated February 4, 1947. These amendments related to the conditions under which the assignment of two stations in the same groundwave service area may be made when a frequency separation of less than 40 kilocycles is proposed. The proposed amendments to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations were previously published in accordance with section 4 (a) of the Administrative Procedure Act under the date of December 20, 1946, Public Notice No. 1786.

The rule as proposed prohibited licensing a station with less than a 40 kilocycle separation from another station if the area enclosed by the 25 millivolt per meter contours of the two stations overlap. The proposed rule further prohibited the licensing of stations with a frequency separation of only 10 kilocycles and 20 kilocycles with the same general urban coverage if the areas enclosed by the 25 mv/m contour of either one would overlap the area enclosed by the 2 mv/m contour of the other.

Pursuant to section 4 (a) of the Administrative Procedure Act a hearing and oral argument on the proposed amendments was held before the Commission en banc on March 7 and 10, 1947. Oral argument from counsel for several interested persons was heard and the Commission received expert testimony from twelve consulting engineers. Testimony of the consulting engineers for the most part was directed to the question whether or not the Commission should adopt the proposed rule or whether the standards should permit assignment of stations with a frequency separation of only 30 kilocycles if the 250 mv/m groundwave contours of the two stations concerned would not overlap. Fewer than half of the consulting engineers expressed any degree of assurance that assignments could safely be made under the latter proposal. The remaining expert witnesses agreed that the rule proposed by the Commission was the only one that could be safely adopted at this time. It appeared, however, that the experts testifying had never had a full and complete opportunity to make over-all findings on either of the two proposals. The opportunity for making such findings had not been presented over a sufficient portion of the standard broadcast band because assignments of the kind necessary for such findings had not been made by the Commission. The Commission's principal staff witness recommended the adoption of a more conservative standard because his experience indicated that a safe standard which would cut the possibility of interference arising out of assignments with a frequency separation of only 30 kilocycles should be limited to those in which the 15 mv/m contours of the two stations would not overlap.

Interference to listeners resulting from assignments on adjacent channels in the standard broadcast band is caused by nonselectivity of receivers, external cross-modulation and internal cross-modulation. Although testimony adduced at the hearing indicated that only a relatively small proportion of the radio receivers in use by the general public were so non-selective that undesired stations 30 kilocycles apart could not be tuned-out from the desired station, it appears that a sufficient number of the general public owned such receivers and were entitled to decent broadcast service which they could not get if stations were too closely assigned in the standard broadcast band in the same general groundwave service area. The problem of external cross modulation is not limited to stations 30, 40, or 50 kilocycles apart. But the higher the fields over a given area the more likely external cross modulation may exist to the extent that it is objectionable. Any proposed standard which would permit the assignment of numerous stations to serve a certain area would create more possibilities of interference; however, a portion of the general public would suffer from this type of interference. Most often objectionable cross modulation exists in the old residential districts when the fields are high over these districts. It is in these districts generally that electric wiring and water systems are not in good repair. The metallic material of the systems is likely to contain nonlinear elements which give rise to cross-modulation.

The type of interference that could be caused by close frequency assignments of standard broadcast stations which would be heard by all of the public receiving service in the areas of the stations involved is the type described as internal cross-modulation, a function of the transmitters. This type of interference results when transmitters are

so located and so constructed that the signal emitting from one transmitter is received and re-transmitted by a second transmitter resulting in the second transmitter broadcasting its own intended signal and the spurious signal mixed in with its intended emission. The spurious signal being received and re-broadcast as result of the proximity of the two transmitters with resulting fields of high intensity. Testimony indicated that the closer the frequency separation between the two transmitters the greater likelihood of internal cross-modulation.

Testimony from one group of expert witnesses adduced at this hearing indicated that all internal cross-modulation problems could be obviated by the proper design and construction of filters and circuits in the transmitter suffering internal cross-modulation. Their testimony, however, indicated that the design of such filters and circuits required the services of highly trained and highly qualified consulting engineers and entailed a great deal of work at a substantial cost.

The problems presented herein have been the subject of study for a long period of time. The Commission intends to continue such studies. The special studies undertaken for the purpose of this hearing upon which testimony was adduced were concerned only with the problems of non-selectivity of receivers and of external cross-modulation. Neither of the two studies were conducted for sufficient length of time or over a sufficient portion of the standard broadcast band to permit conclusions to be drawn with complete confidence. In addition the Commission is of the opinion that a study should be undertaken of the many new types of radio receivers on the market since the end of hostilities in 1945 so that the Commission will be informed as to the characteristics of these receivers. In the meantime the Commission believes that relaxation of the standards should not be undertaken in the absence of a showing that radio service will not be deteriorated thereby. On the basis of the evidence adduced at the hearing the Commission is of the opinion that there is no warrant for relaxing the standards beyond the point set forth in the proposed rules. Otherwise, the danger exists that severe deterioration of service may result to many listeners. The Commission intends to continue its studies in the matter and will reopen the matter for further consideration when new data have been collected.

Adopted: June 9, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5650; Filed, June 13, 1947; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter K—Alaska Wildlife Protection

PART 92—ALASKA GAME COMMISSION; GUIDES, POISONS, AND RESIDENT TRAPPING, HUNTING AND FISHING LICENSES

GUIDE LICENSES

Section 92.2 is amended to read as follows:

§ 92.2 *Qualifications for guide licenses and issuance thereof.* Only resident citizens who are 21 years of age or more and have resided in the Territory for the 5 years immediately preceding application for registration and a guide license will be registered and licensed to act as guides for nonresidents and aliens taking game animals for any purpose, or going afield to photograph large brown or grizzly bears.

The Alaska Game Commission will establish guide districts and maintain a register of such persons as are duly qualified and licensed to act as guides in such districts.

Applications for such registration and guide license shall be made to a Wildlife agent employed in the guide district in which the applicant resides, on a form issued by the Commission and shall state applicant's citizenship and resident status, age, physical characteristics, permanent address, and district or districts in which he desires to operate, together with full information relative to his qualifications to act as guide and shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths.

Upon receipt of such application by the Wildlife Agent, he shall conduct such written and oral examinations and make such investigations as the Commission shall require to determine the qualifications of the applicant to act as a guide.

The Wildlife Agent who conducts such examinations shall promptly file his report thereof with the Executive Officer of the Commission, together with his recommendation thereon, which report and recommendation shall be attached to the application and considered and determined at a regular or special meeting of the Commission.

The Executive Officer of the Commission may, after investigation and satisfying himself of an applicant's qualifications, issue a guide license to him upon payment of the required fee, authorizing him to act as a guide under the terms of the license, subject to approval of the Commission at its next meeting.

If the Commission determines that the applicant does not possess sufficient field experience to qualify him to act as a principal guide but has all other qualifications, an assistant guide license may be issued to him, which shall authorize him to act as assistant to a principal guide.

A registered guide license must bear the signature of the Executive Officer of the Commission. Each license shall expire on June 30 next succeeding its issuance, shall be revocable at the discretion of the Commission, and shall not be transferable.

Each licensed guide shall submit to the Commission, immediately upon completion of a hunting or photographing trip, a report containing the name and address of the nonresident or alien for whom he acted as guide, period covered by his services, number and species of animals taken, wounded and not secured, numbers and localities of each species of big game animal observed on the trip, and such other information as the Commission may require. (Sub. D, 57 Stat. 306; 48 U. S. C. Sup. 199 (Sub. D))

This amendment shall become effective on July 15, 1947.

[SEAL] EARL N. OHMER,
First Judicial Division.
GARNET W. MARTIN,
Second Judicial Division.
FORBES L. BAKER,
Fourth Judicial Division.
FRANK W. HYNES,
Executive Officer.

FEBRUARY 17, 1947.

[F. R. Doc. 47-5632; Filed, June 13, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 901]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO MARKETING AGREEMENT AND MARKETING ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed further amendments to the marketing agreement, as amended (hereinafter referred to as the "agreement"), and the order, as amended (7 CFR 901.1 et seq.; 7 CFR, Cum. Supp., 901.4, 901.17, 901.19) (hereinafter referred to as the "order"), regulating the handling of walnuts grown in California, Oregon, and Washington.

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, U. S. Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed further amendments to the agreement and

order are formulated, was held at San Francisco, California on April 28, 1947, pursuant to notice thereof, containing proposals unanimously adopted by the Walnut Control Board, the administrative agency established and operating pursuant to the provisions of the agreement and order, which was published in the FEDERAL REGISTER on April 10, 1947 (12 F. R. 2369). This regulatory program became effective on October 15, 1935, but its operation was suspended for the period from October 2, 1943 to March 31, 1947, both dates inclusive. The proposed further amendments are designed to fit this program to present day conditions, as well as to incorporate therein certain other desirable changes. Testimony presented at the hearing indicates that the current prices are not, and the anticipated prices for the coming crop year will not, be in excess of parity.

The material issues presented on the record of the hearing are:

(1) The redefining of "Secretary", "act", "merchantable walnuts", "cull walnuts", "pack", "credit value", "sheller", "crop year", and "surplus referable", and the deletion of the definitions of "quality" and "Federal standard".

(2) The rewording of that portion of the provisions relating to the duties of the Walnut Control Board involving the administration of the provisions of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes (Pub. Law 320), so as to show the current legal reference to such act.

(3) A change in the method of prescribing pack specifications and minimum requirements so as to authorize the Walnut Control Board to take such action, subject to the approval of the Secretary of Agriculture.

(4) A change in the method of fixing the salable and surplus percentages on merchantable walnuts for each year so as to authorize the Secretary of Agriculture to take such action on the basis of pertinent data, including recommendations furnished him by the Walnut Control Board.

(5) The exclusion from the application of the salable and surplus percentages of any separate pack of walnuts of which not over 12 percent by count will pass through a round opening 96/64 inches in diameter.

(6) A change of the phrase "or to be handled", wherever it appears in the agreement and order following the word "handled", to read "or certified for handling".

(7) A change in the form of certification of shipments so as to require indication whether the walnuts are to be shipped interstate or intrastate, or if for export, the country of destination.

(8) The inclusion of provision for assessments to cover expenses in the event no salable and surplus percentages are fixed for any crop year, and of provision for refunding any surplus of assessment collections remaining after all expenses for any crop year have been paid.

Findings and conclusions. (1) The term "Secretary" should be redefined to recognize the fact that such official actually performs many of his functions through subordinates, and to insure that any such subordinates who perform any of his functions relating to this program pursuant to authority delegated to them by the Secretary, are covered under this term.

The term "act" should be redefined so as to show the current appropriate legal citation therefor.

The term "merchantable walnuts" should be redefined so as (a) to delete reference therein to "Federal Standard", the reason for the deletion of the term last referred to being discussed below, and (b) to recognize the proposed change in the method of determining pack specifications and minimum requirements as discussed in (3) of these findings and conclusions. The term "cull walnuts" should likewise be redefined so as to delete reference therein to "Federal Standard" and to insert, in lieu thereof, reference to "minimum specifications". The existing definition of the term "Federal Standard" refers to a regulation effective on and after September 1, 1933, issued by the Secretary under the authority of the Federal Food, Drug, and Cosmetic Act (21 U. S. C., 301 et seq.). However, since such time, authority for the administration of that act was transferred to the Federal Security Agency, and there appears to be some question as to whether such regulation is now being followed or used by that agency. The substitute standard is proposed to be the minimum requirements discussed in (3) of these findings and conclusions, which, it is believed, will accomplish a similar objective. For the same reasons the definition of the term "Federal Standard" should be deleted.

The term "pack" should be redefined so as to include, in addition to requirements as to size, variety or type, requirements as to internal quality and external appearance and condition. The added requirements are now contained under the definitions of the term "quality." However, it is believed that the inclusion of all such requirements under one term, i. e. "pack", is desirable from the standpoint of clearness and simplicity. Such a change, makes the definition of the term "quality" unnecessary, and it should be deleted.

The term "credit value" should be redefined so as to add the words "per pound" after the reference to the value to be established by the Walnut Control Board. This addition does not change the present meaning, but the statement that it is a value per pound is more specific and is in accordance with past practice. Also, the phrase "any pack and quality" in such definition should be changed to read "each pack". The deletion of "quality" is in conformity with the proposed definition of "pack" and the proposed deletion of the definition of "quality". The change from "any" to "each" makes the meaning more specific.

The term "sheller" should be redefined so as to add the word "commercial" before the word "purpose". This will exclude any implication or inference that such term might include shellers producing walnuts only for their own home use.

The term "crop year" should be redefined to cover the period from August 1 through July 31 of the following year, instead of the present period of September 1 through August 31 of the following year. Carryover stocks are customarily reported each year as of August 1. It is desirable that the crop year begin at the same time, since carryover stocks are important in fixing the salable and surplus percentages for the crop year. The use of a uniform crop year would simplify and reduce the amount of both accounting and statistical work. The change also appears advisable for the reason that, beginning with August 1 of each year, the Walnut Control Board's activities have to do primarily with preparing for the new crop year, and, therefore, the expenses are properly chargeable to the new crop year.

The term "surplus referable" should be redefined so as to delete the words "and quality" from the phrase "pack and quality" and to change the phrase "to be handled" so as to read "certified for handling". The reason for the deletion of the words "and quality" is the same as the reason for the deletion of the definition of "quality", discussed above. The reasons for the other change are discussed, in detail, in (6) of these findings and conclusions.

(2) That portion of the provisions relating to the duties of the Walnut Control Board involving the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes (Pub. Law 320), should be reworded so as to show the current appropriate legal citation for such act, i. e., "the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c)." Similar changes in the legal citation for such act should be made wherever it is referred to in other portions of the agreement and order.

(3) Pack specifications and minimum requirements should be prescribed by the Walnut Control Board, subject to the approval of the Secretary, in order to tend to effectuate the declared policy of the act. Under the present provisions, pack specifications are set forth in exhibits which are attached to, and made parts of, the agreement and order, and any change therein can be effected only through formal amendment procedure in connection with such agreement and order, which procedure is too time consuming and expensive. This has resulted, in the past, in the failure to make changes as frequently as might be desirable to keep the pack specifications in line with changes in grading practices. The present proposed method will allow needed changes to be made effective in considerably less time than is practicable under the existing provisions, but, at the same time, it will give interested parties an opportunity to participate in their formulation, through the submission of written data, views, and arguments in connection therewith, in the manner contemplated by the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d sess., approved June 11, 1946).

(4) The salable and surplus percentages for each crop year should be fixed by the Secretary, after consideration of the recommendations, and the information upon which such recommendations

are based submitted to him by the Walnut Control Board, and other pertinent data. Under the existing provisions, such percentages are required to be fixed through formal amendment procedure, including public hearing, and the percentage so fixed for each year are specifically incorporated in the agreement and order. Such a method is unduly expensive and, under existing procedural requirements relating to a public hearing, it will be impracticable, after crop production information becomes available, to make an amendment effective by the time shipments start early in October. In this connection, crop production estimates are not available until about August 12, and the Walnut Control Board will not be able to make findings with respect to carryover and production until after that time. Even when salable and surplus percentage recommendations are made late in August, heat and other weather damage often reduce the prospective crop and require changes in estimates. The percentages must be made effective early in October at the latest. It is believed that the proposed procedure will allow the salable and surplus percentages to be fixed within the necessary time, and, at the same time, it will give interested parties an opportunity to participate in the determining of such percentages, through the submission of written data, views, and arguments in connection therewith, in the manner contemplated by the Administrative Procedure Act. The provisions relating to estimated carryover, consumptive demand, and production should be redrafted so that they will conform with the aforementioned changes.

(5) The salable and surplus percentages fixed for any crop year should not apply to separate packs of walnuts of which not over 12 percent by count will pass through a round opening 96/64 inches in diameter. Walnuts of such a size are produced under special and expensive cultural practices (often including, among other things, the whitewashing of the exposed walnuts on the trees to prevent sunburn). They represent less than one-tenth of one percent of the total production of merchantable walnuts in the area, and they are sold primarily as gift packages and as novelties. Walnuts of such a size have, during the past several years, brought a price at least twice as high as that of the average large size commercial walnuts. By reason of their extraordinary size, they have a special and different type of outlet from that of ordinary merchantable walnuts, and generally, production is not sufficient to meet the demand. They represent the largest size of commercial walnuts which has been recognized under this regulatory program.

This proposal was presented for the first time at the hearing. However, its proponents previously raised the matter with the Walnut Control Board, which is composed of representatives of all segments of the commercial walnut industry, which at a regularly called meeting, passed a resolution recommending, in effect, that such proposal be presented at the hearing. The testimony of the Manager of the Walnut Control Board, as well as the testimony of representatives of various segments of the walnut industry, was generally favorable to the adoption of the proposal. In fact, no adverse testimony with respect to such proposal was presented.

(6) The phrase reading "or to be handled" should, wherever it appears in the agreement and order following the word "handled", be changed to read "or certified for handling." Previous experience under this regulatory program has demonstrated that some walnuts have to be certified in advance of shipment in order to accommodate packers, to facilitate off-season distribution or to minimize inspection costs. It was originally believed that this situation would be covered adequately by the use of the phrase "to be handled." It now appears, however, that the phrase last referred to is too broad, in that there is no way to anticipate exactly the quantity of walnuts to be handled during the entire season by any packer, but, after lots of walnuts are certified for handling, they may easily be identified as to both quantities and packs. A request for certification is actually a declaration of future shipment. It is believed that the change is more accurate in terminology, and reflects the operational practice which it has been necessary to follow in that regard. On the other hand, the phrase "or to be handled" should be added after the word "handled" in the provisions relating to certification of shipment, inasmuch as such provisions specify the merchantable walnuts which must be so certified. It is obvious that the provisions should apply to walnuts which are to be handled, as well as to walnuts handled.

(7) The form of certification of shipment which is required for each lot of merchantable walnuts handled or to be handled by any packer, or delivered by him to the Walnut Control Board, should contain provision for the reporting of whether the particular lot will move interstate or intrastate, or, if such lot is to be exported, the name of the country to which it is to be shipped. It was proposed in this regard, in the notice of hearing, that such form should contain provision for the reporting of destination. However, it developed at the hearing that the intended purpose would be served by the requirement proposed to be adopted.

(8) In addition to providing for the collection of assessments in instances where salable and surplus percentages are fixed, provision should be made for the collection from each handler of assessments to defray expenses of operation in the event no salable and surplus percentages are fixed for any crop year. Such assessment should be in an amount (adjusted to the next higher one-hundredths of a cent) per pound of merchantable walnuts handled, or certified for handling, by him during such crop year computed as follows: The amount resulting from dividing the expenses for such crop year as approved by the Secretary by the total aggregate pounds of merchantable walnuts which the Walnut Control Board estimates will be handled by all handlers during that crop year. The provisions with respect to assessments for expenses in the existing agreement and order do not cover such a situation, and it seems reasonable to anticipate that there may be a crop year for which no salable and surplus percentages are fixed and the average seasonal prices are not in excess of parity. Even though, in such an event, there will need to be no delivery of merchantable walnuts to the Walnut Control Board and no accounting in that regard, the regulatory provisions will still require the inspection and certification of all merchantable walnuts handled, or to be handled, by the several handlers. The performance of the functions last referred to will, in the circumstances, be appropriate and in accordance with the provisions of the act. The method of assessment proposed to cover the cost of performing these functions is believed to be obviously fair and equitable. Testimony in the hearing record indicates that the continuance of these inspection and certification functions are very desirable, even though other restrictions should not be operative.

Provision should also be made for the refunding of any money collected to cover expenses of operation for any crop year which is not expended for that purpose in connection with such crop year's operations. No specific provision to that effect is contained in the existing agreement and order, and it is believed that the inclusion of a specific authorization to make such refund would be desirable.

The proposed amendments hereinafter set forth also omit certain provisions of the agreement and order which are not relevant to administration of this program. These recommended changes are proposed for the purpose of simplifying the agreement and order since such omitted matter is merely historical or obsolete and will serve no useful purpose in the future administration of the program. Changes in the provisions of certain other sections which are necessary to make them conform with the changes indicated above should be made.

Rulings on proposed findings and conclusions. No proposed findings or conclusions were filed in this proceeding by interested parties with respect to any of the issues developed at the hearing except with regard to the proposal relating to the exclusion of mammoth size walnuts from the salable and surplus percentages. The proposed findings and conclusions are the same as those hereinbefore contained in this report with respect to this issue.

Recommended amendments to the marketing agreement and to the order. The following proposed amendments to the marketing agreement and the order are recommended as the detailed means by which the above conclusions may be carried out.

1. Delete the provisions of paragraph 1, section 1 of Article I of the agreement and the corresponding provisions of the order (§ 901.2 (a)) and insert, in lieu thereof, the following:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who

is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

2. Delete the provisions of paragraphs 9, 10, 11, 12, 13, 14, and 15 of section 1 of Article I of the agreement and the corresponding provisions of the order (§§ 901.2 (i), (j), (k), (l), (m), (n), (o), and (p)) and insert, in lieu thereof, the following:

(i) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(j) "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

(k) "Merchantable walnuts" means all unshelled walnuts meeting the pack specifications and minimum requirements prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(l) "Cull walnuts" means all lots of unshelled walnuts which do not meet the minimum specifications for merchantable walnuts and which cannot be brought up to such minimum specifications by standard commercial grading practices.

(m) "Pack" means a specific commercial classification according to size, variety or type, internal quality, and external appearance and condition, of merchantable walnuts, packed in accordance with the pack specifications prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(n) "Credit value" means that value per pound for each pack established by the Control Board, subject to the approval of the Secretary, pursuant to section 1 of Article IV (§ 901.5 (a)).

(o) "Sheller" means any person engaged in the business of shelling walnuts for any commercial purpose.

3. Delete the provisions of paragraphs 17 and 18 of section 1 of Article I of the agreement and the corresponding provisions of the order (§§ 901.2 (r) and (s)) and insert, in lieu thereof, the following:

(r) "Crop year" means the twelve months from August 1 to the following July 31, both inclusive.

(s) "Surplus referable" to any walnuts handled or certified for handling or sold to the Control Board means a quantity of walnuts of like pack which bears the same ratio to such quantity of walnuts handled or certified for handling or sold to the Control Board as the surplus percentage bears to the salable percentage.

4. Delete the provisions of paragraph 5 of section 3 of Article II of the agreement and the corresponding provisions of the order (§ 901.3 (c) (9)) and insert, in lieu thereof, the following:

(9) To perform such duties in connection with the administration of section 32 of the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c), as may from time to time be assigned to it by the Secretary.

5. Delete the provisions of sections 1, 2, and 3 of Article III of the agreement and the corresponding provisions of the order (§§ 901.4 (a), (b), and (c)) and insert, in lieu thereof, the following:

(a) *Authorized packs.* Except as otherwise provided in Article VII (§ 901.8) hereof for the sale of cull walnuts, no packer shall handle any unshelled walnuts except those packed in accordance with such pack specifications and minimum requirements as the Control Board may prescribe, subject to the approval of the Secretary, in order to tend to effectuate the declared policy of the act. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such pack specifications and minimum requirements and such other data pertaining thereto as the Secretary may request.

(b) *Salable percentage and surplus percentage.* On the basis of the carryover, estimated consumptive demand, and estimated production of merchantable walnuts, the salable and surplus percentages of merchantable walnuts for each crop year shall be fixed by the Secretary, after consideration of the recommendations submitted to him by the Control Board, and other pertinent data; *Provided,* That the salable and surplus percentages so fixed shall not apply to separate packs of walnuts, of which not over 12 percent by count pass through a round opening 96/64 inches in diameter. The total of the salable and surplus percentages fixed for each crop year shall equal one hundred (100) percent. The Secretary may, subsequently, on request of the Control Board (or if the Control Board shall fail so to request, on request of two or more packers who have handled during the immediately preceding crop year at least ten (10) percent of the total tonnage handled by all packers during such crop year), and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts, available for sale will not be sufficient to supply the consumptive demand, increase the said salable percentage to conform with such new relation as may be found to exist between consumptive demand and available supply; *Provided, however,* That an increase of the salable percentage shall not be made after January 15 of any crop year unless the quantity of walnuts held unsold by the Control Board is sufficient to permit full delivery to packers as required by section 2 of Article V (§ 901.6 (b)) hereof. The merchantable walnuts handled by any packer in accordance with the provisions hereof shall be deemed to be that packer's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

(c) *Estimated carryover, consumptive demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than September 1 of each year, the following information: its estimate of the quantity of merchantable walnuts to be produced during such year, herein referred to as the "estimated production", such estimate to be approved by at least a two-thirds (⅔) vote of the Control Board; and, likewise, its estimate of the total consumptive demand in the United States for merchantable walnuts for the coming crop year (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act), such estimate to be approved by at least a two-thirds (⅔) vote of the Control Board; and also a report on the total carryover of merchantable walnuts from preceding crop years held by packers on the preceding August 1. The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting to recommend the salable and surplus percentages to be fixed by the Secretary.

6. In section 4 of Article III of the agreement and the corresponding provisions of the order (§ 901.4 (d)), change the phrase "of each year after 1935" to read "of each year"; and change the phrase "quantity, pack, quality and location thereof" to read "quantity, pack and location thereof."

7. In section 5 of Article III of the agreement and the corresponding provisions of the order (§ 901.4 (e)), change the phrase "the surplus referable to each pack and quality of such merchantable walnuts handled or to be handled" to read "the surplus referable to each pack of such merchantable walnuts handled or certified for handling."

8. In section 6 of Article III of the agreement and the corresponding provisions of the order (§ 901.4 (f)), delete the words "or to be handled" and insert, in lieu thereof, the words "or certified for handling."

9. In section 7 of Article III of the agreement and the corresponding provisions of the order (§ 901.4 (g)), delete the words "and quality" wherever they now appear in said section.

10. In section 11 of Article III of the agreement and the corresponding provisions of the order (§ 901.4 (k)), change the phrase "the quantity of each pack and quality handled or to be handled" so as to read "the quantity of each pack handled or certified for handling"; and, in subparagraph (1) thereof, change the phrase "or to a total weight equal to the surplus referable to such walnuts so handled or to be handled" to read "of a total weight equal to the surplus referable to such walnuts so handled or certified for handling."

11. Delete the provisions of sections 1 and 2 of Article IV of the agreement and the corresponding provisions of the order (§ 901.5 (a) and (b)) and insert, in lieu thereof, the following:

(a) *Credit values.* The Control Board shall, on or before October 15 of each year, establish, subject to the approval of the Secretary, credit values for each pack of merchantable walnuts. The establishment of credit values shall require a vote of at least two-thirds (⅔) of the members of the Control Board. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in establishing such credit values and such other data pertaining thereto as the Secretary may request. Such credit values shall provide reasonable differentials for the different packs as

will reflect the normal differences in market prices thereof.

(b) *Interest of packers in holdings of Control Board.* The equitable interest of each packer in the holdings of the Control Board shall be in the proportion of the net credits of such packer to the total net credits of all packers. For the purpose of this section, "holdings of the Control Board" means the merchantable walnuts held by or for it and the net proceeds from the sale, exchange, or other disposition thereof by the Control Board, and all cash received by the Control Board pursuant to Article III (§ 901.4) hereof, which has not been expended or refunded in accordance with the provisions of said Article III; but shall not include such moneys, if any, as may be received by the Control Board as diversion payments in connection with the encouragement of exportation or encouragement of domestic consumption pursuant to the provisions of section 32 of the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c). The Control Board shall, from time to time, distribute the cash "holdings of the Control Board," ratably to the packers in accordance with their respective interests therein, except that no cash which under the provisions of Article III (§ 901.4) is to be, or may be, used to effect purchases from packers or which, under the provisions of said article, is to be held undistributed until the end of a crop year shall be distributed before the end of such crop year.

12. Delete the provisions of section 1 Article VI of the agreement and the corresponding provisions of the order (§ 901.7 (a)) and insert, in lieu thereof, the following:

(a) *Certification of shipments.* Every packer, at his own expense, shall obtain a certificate for each lot of merchantable walnuts handled or to be handled by him and all lots of merchantable walnuts which he delivers to the Control Board. Said certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such other requirements as the Control Board may specify, the identity of the packer, whether domestic shipments will move interstate or intrastate and if for export, the country of destination, the quantity and pack of merchantable walnuts in such lot, and that the walnuts covered by such certificate conform to the minimum specifications for quality and soundness prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

The Control Board may direct that such certificate be not issued to any packer who has failed to deliver or otherwise account for his surplus obligation in accordance with the terms hereof.

13. Delete the provisions of section 1 of Article VIII of the agreement and the corresponding provisions of the order (§ 901.9) and insert, in lieu thereof, the following:

§ 901.9 *Expenses.* Each packer shall pay to the Control Board, upon demand and on the applicable basis provided for hereinafter in this section, his pro rata share of the expenses necessarily incurred by the Control Board for its maintenance and functioning under this order for the crop year ending July 31, 1948, and for each crop year thereafter. The amount of such expenses which will necessarily be incurred by the Control Board during the crop year ending July 31, 1948, and each crop year thereafter, shall be fixed by the Secretary on the basis of recommendations by the Control Board and such other pertinent information as may be available to him. Such approved amount for any such crop year may later be adjusted, from time to time, by the Secretary. The recommendation of the Control Board as to the expenses for each such crop year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before September 1 of the crop year in connection with which such recommendation is made.

In the event a surplus percentage of merchantable walnuts is fixed for any crop year, each packer's pro rata share of the expenses of the Control Board for such crop year shall be that proportion thereof which the total credit value of his surplus obligation with respect to merchantable walnuts handled or certified for handling by him and merchantable walnuts sold by him to the Control Board, during such crop year, is of the total credit value of the surplus obligations of all the packers with respect to merchantable walnuts handled or certified for handling by them and merchantable walnuts sold to the Control Board by them during that crop year: *Provided*, That an initial assessment for any such crop year may be levied on each packer of one (1) percent of the total credit value of such packer's estimated surplus obligation for such crop year.

In the event no surplus percentage of merchantable walnuts is fixed for any crop year, each packer shall pay, as his pro rata share of the expenses of the Control Board for that crop year, an amount (adjusted to the next higher one-hundredths of a cent) per pound of merchantable walnuts handled, or certified for handling, by him during such crop year computed as follows: The amount resulting from dividing the approved expenses by the total aggregate pounds of merchantable walnuts which the Board estimates will be handled by all handlers during that crop year.

Any money collected to cover the expenses of the Control Board for any crop year and not expended for that purpose in connection with such crop year's operations shall be refunded to the packers who paid it on the basis of, in the case of each individual packer, the proportion that the amount of the assessment paid by him bears to the total amount of the assessments paid by all packers for the particular crop year.

14. In paragraph 3, section 2, Article XVI of the agreement and the corresponding provisions of the order (§ 901.17 (third paragraph)), change the phrase "on or before August 1" to read "on or before July 1."

15. Delete Exhibits A and B of the agreement and the corresponding provisions of the order (§§ 901.19 and 901.20).

This recommended decision filed at Washington, D. C., this 11th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-5666; Filed, June 13, 1947; 8:48 a. m.]

NOTICES

TREASURY DEPARTMENT

Office of the Secretary

FOUR AND ONE-QUARTER PERCENT TREASURY BONDS OF 1947-52

NOTICE OF CALL FOR REDEMPTION

To holders of 4¼ percent Treasury Bonds of 1947-52, and others concerned:

1. Public notice is hereby given that all outstanding 4¼ percent Treasury Bonds of 1947-52, dated October 16, 1922, are hereby called for redemption on October 15, 1947, on which date interest on such bonds will cease.

2. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

JUNE 13, 1947.

[F. R. Doc. 47-5688; Filed, June 13, 1947; 9:28 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8471, Amdt.]

BANK VOOR HANDEL EN SCHEEPVAART, N. V.

In re: Stock, bonds and debenture stock owned by and debt owing to Bank voor Handel en Scheepvaart, N. V.

Vesting Order 8471, dated March 20, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the certificate number 71952, set forth with respect to 25 shares of $10 par value common stock of The American Rolling Mill Company, 703 Curtis Street, Middletown, Ohio, an Ohio corporation, and substituting therefor the number N–0105735.

All other provisions of said Vesting Order 8471 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–5661; Filed, June 13, 1947; 8:47 a. m.]

[Vesting Order 9085]

MILOSH GLOGOVCHAN

In re: Estate of Milosh Glogovchan, deceased. File No. D–57–374; E. T. sec. 11673.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Grafina Glogovchan, whose last known address is Roumania, is a resident of Roumania and a national of a designated enemy country, (Roumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Milosh Glogovchan, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country, (Roumania);

3. That such property is in the process of administration by Francis J. Mulligan, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Roumania)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–5654; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9088]

DR. GUSTAV ADOLPH ET AL.

In re: Securities and Bank Accounts owned by Dr. Gustav Adolph and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorothea and Franziska Schickert and the individuals whose names are listed in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That E. Merck Darmstadt, the last known address of which is Darmstadt, Germany, is an open partnership, organized under the laws of Germany, and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

3. That Holding Aktiengesellschaft fuer Merck Unternehmungen is a corporation organized under the laws of Switzerland, whose principal place of business is located at Zug, Switzerland, and all of whose capital stock is, or since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid E. Merck Darmstadt, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain voting trust certificates described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in said Exhibit A and presently in the custody of the Buffalo Electro-Chemical Company, Inc., Buffalo, New York, together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations of Manufacturers and Traders Trust Company, 284 Main Street, Buffalo, New York, arising out of accounts maintained in the trust department of said bank, entitled and numbered as set forth in Exhibit B, attached hereto and by reference made a part hereof, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the individuals referred to in subparagraph 1 hereof and Holding Aktiengesellschaft fuer Merck Unternehmungen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That Holding Aktiengesellschaft fuer Merck Unternehmungen is controlled by E. Merck Darmstadt or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons referred to in subparagraphs 1, 2, and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

VOTING TRUST CERTIFICATES REPRESENTING CAPITAL STOCK SHARES OF SUCRO BLANC, S. A.

Registered owner	Class A stock		Class B stock	
	Number of shares	Certificate No.	Number of shares	Certificate No.
Buffalo Electro-Chemical Co., Inc., as agent for—				
Dr. Gustav Adolph	32	A–2	8	B–2.
	.15	AF–1	.7679	BF–1.
Frieda Kramer	19	A–13	5	B–13.
	.3	AF–9	.2634	BF–12.
Gerda Kramer	3	A–14	1	B–14.
	.8	AF–10	.0363	BF–13.
Dorothea Thoma Kramer.	1	A–15	.4908	BF–14.
	.8	AF–11		
Albert Pietzsch	25	A–17	6	B–16.
	.5	AF–13	.9543	BF–16.
Kurt Pietzsch	13	A–18	3	B–17.
	.25	AF–14	.6135	BF–17.
Irene Pietzsch	17	A–19	4	B–18.
	.5	AF–15	.7726	BF–18.
Frau Renate von Petersdorff.	17	A–20	4	B–19.
	.5	AF–16	.7726	BF–19.
Rudolph Pietzsch	3	A–21	1	B–20.
	.75	AF–17	.0227	BF–20.
Siegfried Pietzsch	3	A–22	1	B–21.
	.75	AF–18	.0227	BF–21.
Werner Pietzsch	3	A–23	1	B–22.
	.75	AF–19	.0227	BF–22.
Albert Pietzsch, guardian of Dorothea and Franziska Schickert.	17	A–25	4	B–24.
	.5	AF–21	.7726	BF–24.
Ruth von Transche	25	A–29	6	B–25.
			.8180	BF–28.
Holding Aktiengesellschaft fuer Merck Unternehmungen.	79	A–11	21	B–11.
	.8	AF–7	.7630	BF–10.

EXHIBIT B

BANK ACCOUNTS IN THE MANUFACTURERS & TRADERS TRUST CO.

Name of account	Trust Department Account No.
Gustav Adolph	2425
Dorothea T. Kramer	2437
Frieda Kramer	2435
Gerda Kramer	2436
Albert Pietzsch	2427
Irene Pietzsch	2428
Kurt Pietzsch	2431
Renate Pietzsch	2429
Rudolph Pietzsch	2432
Siegfried Pietzsch	2433
Werner Pietzsch	2434
Ingeborg Schickert (Estate)	2430
Ruth von Tranche	2426
Holding Aktiengesellschaft fuer Merck Unternehmungen	2424

[F. R. Doc. 47-5655; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9103]

BRUNO HIMMEL

In re: Estate of Bruno Himmel, deceased. File No. D-28-11796; E. T. sec. 16011.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Himmel, Anna Heck, Beate Schwau, and Karl Bruckel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Bruno Himmel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Edward Cohn, as Administrator, and Charles A. Otto, Jr., Esq., as Depositary, acting under the judicial supervision of the Union County Orphans' Court, Union County Courthouse, Elizabeth, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5656; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9122]

MARY LOUISE BLAU

In re: Estate of Mary Louise Blau, deceased. File D-66-309; E. T. sec. 2563.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Schepelman, Margarethe Blau, Erich Blau, Ida Schroder, Lydia Huhn, Johannes Huhn, Karl Victor Huhn, Marie Emmy Gertraude Munnich, Gertrude Brandt, Charlotte Blau, Hermann Blau, Gustav Moritz Wilhelm Paul Axthelm, Anna Therese Helene Hoffmann, Auguste Maria Brand, August Fritz Axthelm, Barbara Pinkpank, Moritz Otto Peritz, Maria Agnes Peritz, Robert Moritz Kurt Kruger, Klara Johanna Charlotte Hartmann, Rudolph Arthur Oskar Kruger, Julie Rosa Blume, Martha Elsa Boettcher, Clara Maria Axthelm, Louise Clara Axthelm, Anna Elizabeth Axthelm, August Kurt Axthelm, Rosalie Wilhelmine Axthelm, Charlotte Anna Axthelm, Elli Elsa Wiedemann, Ernst Otto Axthelm, Anna Pauline Louise Schied, Minna Hedwig Kaulfuss, Rosalie Rosa Grotzner, Emmi Rothe, and Margarethe Elizabeth Franke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl Albin Knab, Charlotte Blau, Hermann Blau, Anna Therese Hartmann, Clara Wilhelmine Kruger, and Karl Louis Axthelm, who there is reasonable cause to delieve are residents of Germany, are nationals of a designated enemy country (Germany):

3. That the property described as follows: Twelve thirty-firsts (12/31) of the property presently under the supervision of the Hudson County Orphans' Court, Jersey City, New Jersey, in the matter of the Estate of Mary Louise Blau, deceased, which constituted personalty of Mary Louise Blau, deceased, at the date of the death of said Mary Louise Blau,

is property payable or deliverable to, or claimed by, the persons identified in subparagraphs 1 and 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described in subparagraph 3 hereof is in the process of administration by the Howard Savings Institution, Newark, New Jersey, as Administrator, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

5. That the property described as follows:

a. Eleven twenty-sevenths (11/27) of the real property known as 45-45A Belmont Avenue, Jersey City, New Jersey, (Block 1922, Lot 45), inherited by Mary Louise Blau, deceased, from Gustav (Gustave) Blau, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. One ninth (1/9) of the real property known as 137, 139 and 141 Clerk Street, Jersey City, New Jersey, (Block 2011, Lots D, E, and F), acquired by succession from Gustav (Gustave) Blau, Karoline (Caroline) Blau and Emelia (Amelia) Blau, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees, names unknown of Karl Louis Axthelm, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown of Carl Albin Knab, Charlotte Blau, Hermann Blau, Anna Therese Hartmann, Clara Wilhelmine Kruger, and Karl Louis Axthelm, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, subject to the payment of all lawful charges, including without limitation all lawful taxes of the United States and of the State of New Jersey, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 5 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5623; Filed, June 12, 1947; 8:50 a. m.]

[Vesting Order 9126]

LOUISA DRATHSCHMIDT

In re: Estate of Louisa Drathschmidt, formerly Louisa Bolz, deceased. File D-28-104391; E. T. Sec. 14846.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oskar Drathschmidt and Elsa Drathschmidt, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Louisa Drathschmidt, formerly Louisa Bolz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles Hamann, as Administrator, acting under the judicial supervision of the Probate Court of Winona County, Minnesota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5657; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9133]

RUDOLPH KLEIN

In re: Estate of Rudolph Klein, deceased. File No. D-66-1544; E. T. sec. 9676.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katie Haag, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany); and that Catherine Ehling, whose last known address is Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That the issue of Katie Haag, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany); and that the issue of Catherine Ehling, names unknown, who there is reasonable cause to believe are residents of Rumania, are nationals of a designated enemy country (Rumania);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Rudolph Klein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of designated enemy countries (Germany and Rumania);

4. That such property is in the process of administration by John Klein, as substituted administrator c. t. a. of the estate of Rudolph Klein, deceased, acting under the judicial supervision of the Bergen County Orphans' Court, Bergen County Courthouse, Hackensack, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the issue of Katie Haag, names unknown, and the issue of Catherine Ehling, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries (Germany and Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5658; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9134]

ISAAC MAAS

In re: T/W of Isaac Maas, deceased. File D-28-6473; E. T. sec. 3771.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Hirsch and Elizabeth Spindler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next-of-kin, legatees and distributees of Elizabeth Spindler, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Isaac Maas, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above-named persons and the personal representatives, heirs, next-of-kin, legatees, and distributees of Elizabeth Spindler, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5659; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9186]

HINRICH WILHELM ECHEN

In re: Estate of Hinrich Wilhelm Echen, a/k/a Henry Wilhelm Echen, a/k/a Hinrich Wilhelm Ecken, a/k/a Henry Wilhelm Ecken, deceased. File No. D-28-10518; E. T. sec. 14919.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernhart Echen, Johan Echen, Gesena Echen, Anna Echen, Lisa Echen,

whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children or issue of children, names unknown of Bernhart Echen, the children or issue of children, names unknown of Johan Echen, the children or issue of children, names unknown of Gesena Echen, the children or issue of children, names unknown of Anna Echen, and the children or issue of children, names unknown of Lisa Echen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Hinrich Wilhelm Echen, a/k/a Henry Wilhelm Echen, a/k/a Hinrich Wilhelm Ecken, a/k/a Henry Wilhelm Ecken, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Walter R. Gottschalk as Executor of the estate of Hinrich Wilhelm Echen, a/k/a Henry Wilhelm Echen, a/k/a Hinrich Wilhelm Ecken, deceased, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the children or issue of children, names unknown of Bernhart Echen, the children or issue of children, names unknown of Johan Echen, the children or issue of children, names unknown of Gesena Echen, the children or issue of children, names unknown of Anna Echen, and the children or issue of children, names unknown, of Lisa Echen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5660; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9190]

CHARLES G. B. HAHN

In re: Estate of Charles G. B. Hahn, deceased. File D-28-10792; E. T. sec. 15136.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernestine Schmitt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Charles G. B. Hahn, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Otto P. Kramer, 79 West 12th., Holland, Michigan, as Administrator, c. t. a., acting under the judicial supervision of the Probate Court of Ottawa County, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5624; Filed, June 12, 1947; 8:50 a. m.]

NAVY DEPARTMENT

[No. 4 (d)]

LANDING CRAFT LC(FF)

NAVIGATION LIGHTS

Whereas, the act of December 3, 1945 (Pub. Law 239, 79th Cong.) provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of vessel, known as Landing Craft Flotilla Flagship, has been made by the Navy Department, and, as a result of such study, it has been determined that because of their special construction it is not possible for the type of naval vessel designated above to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study do find and certify that the type of naval vessels known as Landing Craft Flotilla Flagship are naval vessels of special construction, and that, on such vessels with respect to the position of the masthead light and the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in the act of December 3, 1945. Further, I do find and certify as follows:

(a) That it is feasible to locate the aforesaid masthead light in the after part of said vessels approximately eighty-seven feet abaft the stem.

(b) That it is feasible to locate the additional white light (commonly termed the range light), if such light is installed in any of the aforesaid type of vessels, in the forward part of the vessel and in front of the light referred to in the preceding paragraph.

I direct that the aforesaid lights, that is the masthead light and the additional white light (commonly termed the range light), if such light is installed, shall be located in this type of vessel in the manner above described. I further direct that the two aforesaid lights, referred to in subparagraphs (a) and (b), if both lights are installed, shall be placed in line with the keel and that the after light shall be at least fifteen feet higher than the forward light and that the vertical distance between the two lights shall be less than the horizontal distance.

I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 6th day of June A. D. 1947.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-5629; Filed, June 13, 1947; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1538386]

NEVADA

CORRECTION TO ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

JUNE 3, 1947.

In the order of March 6, 1947 (12 F. R. 1776), in the paragraph headed "T. 31 N., R. 33 E.", the description "Sec. 8, N½

NE¼" is corrected to read "Sec. 8, NE¼ NE¼."

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-5634; Filed, June 13, 1947; 8:49 a. m.]

CALIFORNIA

CORRECTION TO CLASSIFICATION ORDER

JUNE 6, 1947.

In the order of April 23, 1947, Small Tract Classification No. 117, California No. 46, published in the FEDERAL REGISTER on May 7, 1947 (12 F. R. 3034, 3035), the date September 3, 1947, in subparagraph (b) of paragraph 5, should be June 25, 1947, and the date September 4, 1947, in subparagraph (d) of the same paragraph, should be September 24, 1947. The order is amended accordingly.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-5635; Filed, June 13, 1947; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6885, 7435, 7959]

CENTRAL UTAH BROADCASTING CO. ET AL.

MEMORANDUM OPINION AND ORDER DENYING PETITION AND SCHEDULING HEARING

In re applications of Frank A. Van Wagenen and Harold A. Van Wagenen, a partnership, doing business as Central Utah Broadcasting Co., Provo, Utah, for construction permit, Docket No. 7959, File No. BP-4703; United Broadcasting Company, Ogden, Utah, for construction permit, Docket No. 6885, File No. BP-4107; Ogden Broadcasting Company, Inc., Ogden, Utah, for construction permit, Docket No. 7435, File No. BP-4553.

The Commission has before it a petition filed February 27, 1947, by Frank A. Van Wagenen and Harold E. Van Wagenen, a partnership, doing business as Central Utah Broadcasting Company, Provo, Utah, for reconsideration of the Commission's action on November 29, 1946, setting aside, upon a joint petition filed August 22, 1946, by United Broadcasting Company, Ogden, Utah, and Ogden Broadcasting Company, Inc., Ogden, Utah, the grant without hearing made by the Commission August 1, 1946 to petitioner of its application for construction permit (File No. BP-4703) to operate on 1490 kc, with 250 watts power, unlimited time, and upon such reconsideration, to reinstate said grant.

United Broadcasting Company, Ogden, Utah, and Ogden Broadcasting Company, Ogden, Utah, are applicants for construction permits (File Nos. BP-4107 and BP-4553; Dockets Nos. 6885 and 7435, respectively), each requesting the use of the frequency 1490 kc, with 250 watts power, unlimited time. Ogden, Utah, is 70 miles from Provo, Utah.

The original grant without hearing of petitioner's application was made upon the showing that no interference to any existing station or pending applicant would be expected, based upon the Commission's conductivity maps. The grant was set aside as a result of field measurements taken by United Broadcasting Company and Ogden Broadcasting Company, Inc., which indicated the existence of higher conductivities than those shown in the Commission's conductivity maps [1] and the probability of substantial interference from simultaneous operation of stations at Ogden and Provo.

On November 29, 1946, petitioner's application, and those of United Broadcasting Company and Ogden Broadcasting Company, Inc., were designated for a consolidated hearing upon issues including the determination of interference by the simultaneous operation of the two proposed stations at Ogden and the one proposed at Provo.

The petition now before us alleges that, based upon certain measurements taken by petitioner's consulting engineers, the interference would be slight to both stations. It appears, however, that the measurements taken by petitioner's engineers were limited to signals from Provo to Ogden and did not include measurements from Ogden toward Provo, as would be essential for an accurate showing of conductivities. Moreover, the Commission cannot agree with the contours plotted by petitioner as a result of the measurements made. Petitioner assumes a uniform conductivity of 5×10^{-14} E. M. U. in determining the pertinent contours of the Provo proposal. However, field strength measurements made by petitioner's engineers in the direction of Ogden indicate a conductivity of 10×10^{-14} E. M. U. for the first 25 miles, decreasing conductivity out to 70 miles. Petitioner further assumes an antenna efficiency of 90 mv/m for the Provo proposal and indicates the 0.5 mv/m contour lines at a distance of 13.5 miles from the transmitter. Using a conductivity of 5×10^{-14} E. M. U., the predicted 0.5 mv/m contour would actually lie at a distance of 17 miles from the transmitter, and with a conductivity of 10×10^{-14} E. M. U., the distance would be 25 miles. Thus the increase in the area of the 0.5 mv/m contour would result in the Provo proposal experiencing substantially more interference than indicated by petitioner.

The failure of the Provo applicant to submit acceptable engineering data which would refute the probability of substantial interference from the simultaneous operation at Ogden and Provo as shown by the field measurements taken by United Broadcasting Company and Ogden Broadcasting Company, Inc. in their original petition for reconsideration of the Provo grant, resulted in that grant being set aside. We are of the opinion that the present measurements and data submitted by the Provo applicant have likewise failed to refute that evidence, and that, in this situation, the petition should be denied.

Therefore, *It is ordered*, This 3d day of June 1947, that the petition of Frank A. Van Wagenen and Harold E. Van Wagenen, doing business as Central Utah Broadcasting Company, Provo, Utah, for reconsideration and grant of its application (File No. BP-4703) without hearing, be, and it is hereby, denied.

It is further ordered, That the consolidated hearing on the above-entitled matters heretofore designated for hearing be, and it is hereby, scheduled for 10:00 o'clock a. m., Monday, June 23, 1947, at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5653; Filed, June 13, 1947; 8:48 a. m.]

[Docket No. 8358]

CATONSVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Roland A. Johnson and Thomas W. Johnson, a partnership, d/b as Catonsville Broadcasting Company, Catonsville, Maryland, for a construction permit; Docket No. 8358, File No. BP-5608.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of June 1947;

The Commission having under consideration the above-entitled application, requesting a construction permit for a new standard broadcasting station to operate on 1440 kc, with 250 w power, daytime only, at Catonsville, Maryland;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Catonsville Broadcasting Company be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determined whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and

[1] See Standards, pages 16 and 17—"The conductivity of a given terrain may be determined by measurements of any broadcast signal traversing the terrain involved, or in case such measurements are not available, then conductivity must be taken from the map of ground conductivity in the United States, Figure 3. This map shows the conductivity throughout the United States by general areas of reasonable uniform conductivity. In areas of limited size, or over a particular path, the conductivity may vary widely from the values given. The map is to be used only when accurate and acceptable measurements have not been made."

populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of The Capital Broadcasting Company, Annapolis, Maryland (File No. BP–4318; Docket No. 7371), or in any other pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of a Class IV station to a regional channel.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–5652; Filed, June 13, 1947; 8:48 a. m.]

[Dockets Nos. 8363, 8364, 8395]

TWIN CITIES BROADCASTING CORP. (WDGY) ET AL.

ORDER FOR HEARING TO SHOW CAUSE ON STATED ISSUES

In re applications of Twin Cities Broadcasting Corporation (WDGY), Minneapolis, Minnesota, for construction permit, Docket No. 8363, File No. BP–5429; Pontiac Broadcasting Company (WCAR), Detroit, Michigan, for construction permit, Docket No. 8364, File No. BP–5971; and modification of broadcast license of Twin Cities Broadcasting Corporation (WDGY) Minneapolis, Minnesota, Docket No. 8395, File No. BS–669.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of June 1947:

It appearing, that Twin Cities Broadcasting Corporation (WDGY) is presently licensed to operate Station WDGY at Minneapolis, Minnesota, on the frequency 1130 kilocycles, with 5 kilowatts power daytime, and with 500 watts power between local sunset and sunset at Albuquerque, New Mexico; and that Station KWKH, Shreveport, Louisiana, is assigned the use of that frequency, with 50 kw power, unlimited time; and

It further appearing, that the operation of Station WDGY between sunset at Minneapolis, Minnesota, and sunset at Albuquerque, New Mexico, causes co-channel interference to the 1.32 mv/m groundwave service contour and to the 1.11 mv/m sky wave service contour of Station KWKH, Shreveport, Louisiana; and

It further appearing, that the Commission on April 30, 1947, designated for hearing in a consolidated proceeding the applications of Twin Cities Broadcasting Corporation (WDGY) (File No. BP–5429; Docket No. 8363), requesting a construction permit to operate Station WDGY at Minneapolis, Minnesota, on 1130 kilocycles, with 50 kilowatts power, unlimited time, using directional antenna, and Pontiac Broadcasting Company (WCAR) (File No. BP–5971; Docket No. 8364), requesting a construction permit to operate Station WCAR at Detroit, Michigan, on 1130 kilocycles, with 50 kilowatts power, unlimited time, using directional antenna; and

It further appearing, that, pursuant to section 312 (b) of the Communications Act of 1934, any station license may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience and necessity, provided that no such order of modification shall become final until the holder of such outstanding license shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue;

It is ordered, That, pursuant to section 312 (b) of the Communications Act of 1934, as amended, opportunity be, and it is hereby, afforded Twin Cities Broadcasting Corporation, licensee of Station WDGY, Minneapolis, Minnesota, to show cause at a hearing before the Commission, at a time and place to be designated by subsequent order of the Commission, why the existing station license issued to said Twin Cities Broadcasting Corporation (WDGY) should not be modified so as to authorize operation on 1130 kilocycles; with 5 kilowatts power either daytime only; or with directional antenna or other means to avoid causing interference to the normally protected primary service (0.1 mv/m contours day and night) and the secondary nighttime service (0.5—50% skywave contour) of Station KWKH; and that International Broadcasting Corporation (KWKH), Shreveport, Louisiana, be, and it is hereby, made a party to this proceeding.

It is further ordered, That the above-ordered hearing to show cause be, and it is hereby, consolidated with the above-described consolidated hearing on the said applications of Twin Cities Broadcasting Corporation (WDGY) and Pontiac Broadcasting Company (WCAR) for construction permits; and that the order of April 30, 1947, designating for consolidated hearing the said applications for construction permits, be, and it is hereby, amended to make § 1.857 of the Commission's rules and regulations applicable to the entire proceeding.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–5651; Filed, June 13, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–879]

WEST TEXAS GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 11, 1947.

Notice is hereby given that, on June 10, 1947, the Federal Power Commission issued its findings and order entered June 6, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–5648; Filed, June 13, 1947; 8:48 a. m.]

[Docket No. G–880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER ALLOWING RATE SCHEDULES TO TAKE EFFECT

JUNE 11, 1947.

Notice is hereby given that, on June 9, 1947, the Federal Power Commission issued its order entered June 6, 1947, allowing rate schedules to take effect in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–5649 Filed, June 13, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59–86, 54–148]

PUBLIC SERVICE CORP. OF N. J. ET AL.

NOTICE OF FILING OF AMENDMENT TO PLAN AND ORDER RECONVENING HEARINGS IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of June 1947.

In the matter of Public Service Corp. of New Jersey and its subsidiary companies and the United Corp., File No. 59–86; Public Service Corp. of New Jersey, File No. 54–148.

Notice is hereby given that Public Service Corporation of New Jersey ("Public Service") and its subsidiaries, have filed a further amendment to a plan heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, which plan was consolidated with proceedings instituted by the Commission pursuant to section 11 (b) of the act. All interested persons are referred to said amendment, which is on file in the office of this Commission, for a statement of the transactions therein proposed. The instant amendment modifies the plan as heretofore filed only in respect of the matters summarized as follows:

(1) Public Service has revised the rate of exchange of shares of $1.40 Dividend Preference Common Stock of Public Service Electric and Gas Company

("Electric and Gas") for each share of its own non-callable preferred stock in the hands of the public. The rate of exchange originally proposed and as revised by the present amendment are as follows:

Public Service preferred stock	$1.40 dividend preference common stock rate of exchange	
	Revised proposal	Original proposal
8 percent	4.7	4.5
7 percent	4.15	3.9
6 percent	3.7	3.5
$5	3.25	3.1

(2) To give effect to the increased rate of exchange in the number of shares of $1.40 Dividend Preference Common Stock shown above, Electric and Gas will increase the number of shares of such $1.40 Dividend Preference Common Stock from 5,693,778 to 6,062,767 shares, while the number of shares of regular common stock to be issued will remain at 5,503,193. No change is made in the former proposal to distribute the common stock of Electric and Gas and the South Jersey Gas Company to the common stockholders of Public Service.

(3) The rate of conversion of each share of the $1.40 Dividend Preference Common Stock of Electric and Gas into regular common stock of that company has been revised from that originally proposed as indicated below:

Period for conversion after effective date of plan—	Rate of conversion of preference common into regular common	
	Revised proposal	Original proposal
	Shares	*Share*
First 3 years	1.1	1
Next 3 years	1	7/8
Next 3 years	7/8	3/4
Next 3 years	3/4	5/8

In addition to the foregoing it is proposed that the $1.40 Dividend Preference Common Stock, at the termination of the conversion period, will be redeemable, at the option of the company, in whole or in part, at any time, at $35 per share plus accrued dividends to the redemption date.

(4) Public Service proposes to recapitalize County Gas Company prior to the disposition of its interest therein.

(5) Electric and Gas proposes to amortize $14,744,602.80, the remaining balance to be classified in its Gas Utility Plant Acquisition Adjustment Account (Acct. 100.5), through charges to Income Deductions, Earned Surplus or Capital Surplus, as the company may elect, at the rate of $1,000,000 a year rather than $500,000 a year as previously proposed.

(6) Public Service Coordinated Transport, a subsidiary of Public Service, and Transport's subsidiary, Public Service Interstate Transportation Company, proposes to increase the amount of intangible fixed capital to be eliminated from their accounts, from $33,296,464 to $50,517,409, and to dispose of the latter amount by charges aggregating $40,778,861 against Capital Surplus and $2,238,548 against Earned Surplus, leaving $7,500,000 balance which it will amortize at the rate of $500,000 a year by charges against earnings.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that the hearings heretofore held in the above-entitled consolidated proceedings, which were adjourned on June 4, 1947 to afford Public Service an opportunity to prepare and file the instant amendment, should be reconvened for the purpose of adducing further evidence and affording all interested persons further opportunity to be heard with respect to the matters and questions heretofore specified in this Commission's Order of April 7, 1947 issued in the above-entitled matter (Holding Company Act Release No. 7336).

It is ordered, That the hearing in the above-entitled consolidated proceedings be reconvened on the 24th day of June, 1947, at 10:00 a. m., e. d. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That any person not heretofore having appeared in these proceedings and now desiring to be heard or proposing to intervene herein shall file with the Secretary of this Commission, on or before June 20, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That notice of this hearing be given by registered mail to Public Service and its subsidiaries, The United Corporation, the Board of Public Utility Commissioners of the State of New Jersey, and the Federal Power Commission, and to all other persons by publication in the FEDERAL REGISTER; and that Public Service shall give further notice of this hearing to its security holders (insofar as the identity of such security holders is known or available to Public Service) by mailing to each of said persons a copy of this notice and order for hearing to his last known address at least 10 days prior to the date of this hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5644; Filed, June 13, 1947; 8:50 a. m.]

[File No. 70-1471]

CONSOLIDATED ELECTRIC AND GAS CO. ET AL.

SUPPLEMENTAL ORDER APPROVING TRANSACTIONS SET FORTH IN APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of June A. D. 1947.

In the matter of Consolidated Electric and Gas Co., The Middle West Corp., Upper Peninsula Power Co.; File No. 70-1471.

Consolidated Electric and Gas Company, The Middle West Corporation and Upper Peninsula Power Company, parties to this proceeding, having requested that our order dated June 3, 1947 be amended to include certain recitals, specifications and itemizations in conformity with sections 371 (b), 371 (f), 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, and it appearing appropriate that each request be granted:

It is ordered and recited, That our order herein dated June 3, 1947 be and is hereby amended by adding thereto the following:

The transactions set forth in the Application-Declaration, as amended, proposed to be effected by Consolidated Electric and Gas Company, The Middle West Corporation and Upper Peninsula Power Company, including those hereinafter described and recited, are hereby approved and found to be necessary or appropriate to the integration or simplification of their respective holding company systems and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The issuance by Upper Peninsula Power Company of its new securities required to be issued in consummating the transactions embraced in the Application-Declaration, namely:

$3,500,000 principal amount of First Mortgage Bonds, 3¼% Series due 1977;
10,000 shares of Cumulative Preferred Stock, 5¼% Series, par value $100 per share; and
200,000 shares of Common Stock, par value $9 per share;

(b) The transfer and conveyance by Houghton County Electric Light Company, Iron Range Light and Power Company and Copper District Power Company of all their realty and other assets to Upper Peninsula Power Company, in connection with the liquidation and dissolution of said companies and the acquisition of their assets by Upper Peninsula Power Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5643; Filed, June 13, 1947; 8:50 a. m.]